Minutes of Executive Sessions previous to this time have been recorded within the Regular Open Meeting Minutes Books.

NATIONAL

98-721 OUTFIT, MAROON
98-731 COVER, MAROON
98-771 CORP. RECORD, MAROON
98-725 OUTFIT, BLACK
98-735 COVER, BLACK
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TOWN OF CHELMSFORD

BOARD OF SELECTMEN

EXECUTIVE SESSION MINUTES

November 5, 1973

The Board entered Executive Session at 11:30 PM. All members were present. Selectmen Lovering, Hart and Markham explained the qualifications of the three candidates for Labor Relations Advisor who were interviewed by a subcommittee of the Board on 11/1/73.

MOTION - Lovering, 2nd by Hart
"TAKE NO ACTION ON SELECTION OF AN ADVISOR AT THIS TIME AND CONTINUE THE EVALUATION PROCESS"

Motion passed unanimously. Members will review applicant list and identify additional candidates for interview.

Mr. Lannan left the meeting at this time as he choose not to participate in the conference with the Police Chief. The remainder of the Board met with Chief German and discussed police protection and possible expansion of police personnel and equipment.

MOTION - Lovering, 2nd by Hart
"RETURN TO OPEN SESSION"

Motion passed unanimously.

MOTION - Lovering, 2nd by Hart
"TO ADJOURN"

Motion passed unanimously

The meeting adjourned at 1:00 AM.

Thomas F. Markham

Paul M. Lovering

William P. Murphy

Paul C. Hart

TOWN OF CHELMSFORD
BOARD OF SELECTMEN
EXECUTIVE SESSION
JUNE 3, 1974

The Selectmen entered executive session at 10:40 PM. Present were Mr. Lannan, Mr. Murphy, Mr. Palmer, Mr. Hart, Mr. Lovering.

On a motion by Mr. Hart seconded by Mr. Palmer, it was unanimously voted to ratify the Superintendent of Streets recommended discharge of Paul Adle, Sweeper Operator, for due cause. Discharge is effective immediately.

Mrs. Haines was requested to notify the Superintendent of Streets of the Boards' action the following morning in writing.

On a motion by Mr. Lovering seconded by Mr. Murphy, it was unanimously voted to return to open session.

On a motion by Mr. Murphy seconded by Mr. Palmer, it was unanimously voted to adjourn.

The Meeting adjourned at 10:45 PM.

Minutes recorded by:

Evelyn M. Haines
Administrative Assistant

Minutes of Executive Session held March 18, 1975.

Members present were: Mr. Lannan, Mr. Murphy, Mr. Palmer and Mr. Lovering. Mrs. Haines was also present.

The Board agreed to consider the following regarding negotiations with the Fire Department: 1. changing the Blue Cross coverage by the Town from 50% to 75%. 2. the addition of Martin Luther King Day plus pay for the 3 holidays the police get. 3. $100.00 for an EMT certificate if voluntary and required by law. 4. changing educational incentive from $300.00 to $450.00.

The Bd. agreed that they would not consider increasing the general life insurance to $5,000 or $10,000 or a Special Firemen's Policy.

On a motion by Mr. Murphy seconded by Mr. Palmer, it was unan. voted to adjourn the meeting. The meeting was adjourned at 9:13 p.m.

For the Board of Selectmen,
by, Evelyn M Haines

. Session | Executive Session of the Board of Selectmen held May 6, 1975.

ers Present | All Members present.

Discussion was held regarding the Board's changing its position on the Health Insurance Article which is included in the Special Town Meeting Warrant which

will come before the voters on Thursday, May 8, 1975. On a motion by Mr. Hart seconded by Mr. Murphy, it was unan. voted to inquire from Robert Crowe of Murphy, Lamere & Murphy, if the Selectmen recommended dismissal of this article, would this be an unfair labor practice, as they have not completed negotiations. On a motion by Mr. Currier seconded by Mr. Palmer, it was unan. voted to adjourn the meeting. The meeting was adjourned at 11:10 P.M.

For the Board of Selectmen,

by, Evelyn M. Staines

ARNOLD J. LOVERING, CHAIRMAN
PAUL C. HART, VICE-CHAIRMAN
WILLIAM R. MURPHY, CLERK
THOMAS A. PALMER, JR.
PHILIP L. CURRIER

Board Of Selectmen
Town Hall
1 North Road
Chelmsford, Mass. 01824

EVELYN M. HAINES
ADMINISTRATIVE ASSISTANT
TEL. 256-2441

24 October 1975

The Board of Selectmen met at 8:30 p.m. on the 23rd of October 1975. Present were Arnold Lovering, Thomas Palmer and Philip Currier. Also present were Clement McCarthy, Town Counsel,and Robert Germann, Police Chief. On a motion by Thomas Palmer, seconded by Philip Currier, it was unanimously voted to go into executive session to discuss a matter which affected the reputation of an individual. Mr. Palmer was appointed temporary Clerk in Mr. Murphy's absence. Mr. Murphy arrived at 8:45 from an out-of-town meeting.

On a motion by Mr. Currier, seconded by Mr. Palmer, it was unanimously voted to await further action by D. A. Droney's office before taking any local action to suspend the Police Officer suspected of stealing the guns from the Police Station.

On a motion by Mr Currier, seconded by Mr Palmer, it was unanimously voted to notify D. A. Droney of the vote of the Board on this matter as a priority correspondence.

On a motion by Mr Currier, seconded by Mr Palmer, it was unanimously voted to adjourn at 9:55 p.m.

Arnold J. Lovering

William R. Murphy

Thomas A. Palmer Jr.

Philip L. Currier

budget for landscaping in the area of the dump facility. The Board of Health does not believe that the Town will be shut-down between now and Town Meeting from usage of the facility, as we are trying to comply with regulations, and are attempting to implement necessary steps to meet the regulations.

Mtg. with Hghy.Supt. & Bd. of Health

Public Hearing was held re: Storch Engineering Plan. Jim Ford, Engineer from Storch Engineering was present; Al Laing, from the Mass. D.P.W. was present; and Mr. Pretti, from the State, was also present. The purpose of the Public Hearing was to let the residents and Selectmen review the revised scope of the Storch Plan for traffic flow and traffic lights in Central Square. Many merchants from Central Square were present, as well as Walter Wilkins, President of the Chelmsford Businessmen's Association. Mr. Wilkins, on behalf of the businessmen, expressed his concern over the proposed loss of ten parking places in the Square. He informed the Board that many merchants have already moved their businesses out of Central Square, due to the congested parking problem, and he feels sure that if additional parking places are removed, more merchants will be forced to move their businesses from the Square. Mr. Hanley and Mr. Kydd, merchants in Central Square, expressed this same concern, and shared Mr. Wilkins' feelings on the subject. On a motion by Mr. Hart, seconded by Mr. Murphy, the Board unan. voted to hold on any action on this plan for thirty (30) days, in which time the subject of parking will be addressed by the Board, in conjunction with the Businessmen's Association. Mr. Lovering advised, after reading a letter from Bradford Emerson, that perhaps another avenue to be explored would be federal funding for parking development in the Square. The Chair designated Mr. Hart to represent the Board, and requested Mr. Wilkins to designate a member of the Businessmen's Association, to try to address the parking problem in the Square, and report their findings back to the Board.

Public Hearing re: Storch Plan for Central Square

The Chair declared a five-minute recess at 9:30 pm. The meeting reconvened at 9:35 pm.

Recess

A meeting was held with Nancy Parsons and Elizabeth Marshall from the League of Women Voters re: questionnaire regarding juveniles and services available for same within the Town. The Board reviewed the questionnaire with Ms. Parsons and Ms. Marshall. On the whole, it was felt that the Town offers many services which are youth-orientated, with the exception of female recreational services. The Selectmen's Office will forward a typed copy of the completed questionnaire to Ms. Marshall. Ms. Marshall stated that she will inform the Board of the results of the questionnaires and will keep the Board informed on any progress made by the League regarding youth services and facilities.

Mtg. with E.Marshall & N.Parsons re Juvenile Questionnaire

The Fire Chief's budget hearing has been postponed to some time in February.

A meeting was held with Merritt Wenzel of the Mass. Police Institute, located in Berlin, and Chief Robert Germann. Jack Collins, Esquire, Attorney at the Institute, was also present. Mr. Wenzel explained the basic functions of the Institute to the Board. It is funded by the Mass. Criminal Justice System, and is a non-profit organization. It would cost the Town nothing in the event that we join same. Basically, the functions are to help each member of the municipality's Police Dept. to understand what is expected of him; the Rules & Regulations; Job Description; and Policy Procedures. This service is available to all cities and towns in the Commonwealth, with the exception of the 10 largest cities. On a motion by Mr. Hart, seconded by Mr. Palmer, it was unan. voted to authorize Chief Germann to apply for participation in the Mass. Police Institute. Chief Germann will be in contact with Mr. Wenzel and will keep the Board advised regarding the Town's application for participation.

Mtg. with M. Wenzel & Chief Germann re: Mass. Police Institute.

1/5/76

A meeting was held with Town Counsel and Chief Robert Germann re: Police Matters. At this point in time, Chairman Lovering suggested that under 'Unfinished Business' items 2, 3, and 4 be discussed at the next Sel. Mtg. The Board agreed to hold on New Business until after the mtg. with Town Counsel and Chief Germann. As allega-

Meeting with Town Counsel & Police Chief

tions for criminal misconduct are grounds for going into Executive Session, the Board, on a motion by Mr. Hart, seconded by Mr. Murphy, unan. voted to go into Executive Session at 10:45 pm.

Board moved to go into Executive Session.

At 11:25 pm the Board, on a motion by Mr. Currier, seconded by Mr. Hart, unan. voted to reconvene to the Open Meeting. As a result of the Executive Session, Chairman Lovering released the following statement to the press: Chief Germann requested permission of the Board of Selectmen and has been authorized to release to each officer of the Chelmsford Police Department upon his oral or written request, the results of his own polygraph test conducted by the District Attorney John Droney's Office.

Open Meeting Resumed

On behalf of the Board, Mr. Lovering welcomed Tom Borden, Chelmsford's new correspondent from the Lowell Sun.

On a motion by Mr. Hart, seconded by Mr. Murphy, it was unan. voted to adjourn the meeting. The meeting adjourned at 11:30 pm.

Meeting Adjourned

For the Board of Selectmen, by

Bonita Poole

Regular Meeting of the Board of Selectmen held January 12, 1976.

Members present were: Mr. Lovering, Mr. Hart, Mr. Murphy, Mr. Palmer and Mr. Currier. Mrs. Haines was also present. Mr. Lovering, Chairman, called the meeting to order at 7:30 P.M.

lembers resent

The Chair noted that several young citizens in the Community were present as part of their training for Boy Scout Citizen's Badges. They were: Arnold F. Lovering Robert Myers, Daniel Jacavanco and Eric Ames. Each of the boys was presented with a Certificate indicating that he had attended a meeting of the Board of Selectmen.

On a motion by Mr. Murphy, seconded by Mr. Hart, it was unan. voted to approve the minutes of the Selectmen's Meeting held on December 29, December 30, January 5 and minutes of Executive Meeting on Jan. 5, as corrected.

inutes Ap- roved

Item 6 - On a motion by Mr. Palmer, seconded by Mr. Hart, it was unan. voted to amend the Chairman's Recommendation as follows: To endorse the request of Mr. Anthony Bruno, President of the Softball League, to have lights installed at South Well on the new softball field; and the Board will ask the Recreation Commission to support this in their budget, providing that a reasonable way of implementing this request can be determined re: dollar figure for lights.

orrespondence ummary

Item 11 - Mr. Murphy asked a question concerning all articles submitted for the next Annual Town Meeting which have no specified dollar figures included in wording of the articles. Mr. Murphy suggested the following be obtained for the articles: 1) obtain solid dollar figures; 2) immediate bidding; and 3) diagrams be submitted if appropriate. Mr. Lovering reminded the Board that a matrix of the articles will be submitted to each Board member at the next Selectmen's Meeting.

Item 18 - On a motion by Mr. Murphy, seconded by Mr. Hart, it was unan. voted to request the Safety Officer to reconsider his recommendations for signing on Clove Hill Drive, as it had been recommened by Mr. Pettie to have the house numbers placed on the sign.

Item 23 - Mr. Murphy suggested that a copy of this request from the Rec. Comm. be forwarded to the Personnel Board immediately for their review.

Minutes of the Executive Session of the Board of Selectmen held on January 5, 1976, re: Police Matters.

Members of the Board of Selectmen present were: Mr. Lovering, Mr. Hart, Mr. Murphy, Mr. Palmer and Mr. Currier. Mrs. Haines was also present. Bonita Towle was present as Recording Clerk. Town Counsel Clement McCarthy and Police Chief Robert Germann were present. Mr. Lovering, Chairman, commenced the Executive Session at 10:45 pm.

Mr. Lovering stated that the Board is trying to do the following things regarding this case: clear the Police Department publicly; address District Attorney Droney's failure to get indictments; discuss the Wellington issue itself - the bomb incident and alleged thefts that have come out of this investigation. It was brought to the Board's attention that in the past, Officer Norman Wellington had allegedly stolen liqueur and a hub-cap. The Board agreed that two separate issues are involved here: one is the gun theft and the other is the bombing incident. The Board has six options regarding Officer Wellington and this matter: 1) we can give him an opportunity to resign; 2) we can pursue the liqueur and hub-cap complaints in Court; 3) we can go to Civil Service for suspension; 4) we can go to Civil Service for termination; 5) he can retire; 6) he can stay on as a member of the Police Department. The Board, Town Counsel, and Chief Germann agreed that the following statement would be released to the press this evening regarding this matter: Chief Germann requested permission of the Board of Selectmen and has been authorized to release to each officer of the Chelmsford Police Department upon his oral or written request, the results of his own polygraph test conducted by the District Attorney John Droney's Office.

As an action item, Chief Germann stated that he will meet with Officer Wellington this week to propose the idea of resignation to him. The Board agreed that another Work Session will be scheduled for next week, at which time the Board could review any progress made by the Chief during the week regarding this matter, and decide any action they may wish to take on same.

On a motion by Mr. Currier, seconded by Mr. Hart, the Board unan. voted to reconvene to Open Meeting. The Executive Session concluded at 11:25 pm.

For the Board of Selectmen, by,

Bonita Towle

Minutes of Executive Session held on March 29, 1976, regarding the Wellington Hearing.

Members of the Board of Selectmen present were: Mr. Lovering, Mr. Hart, Mr. Murphy, Mr. Palmer and Mr. Currier. Mrs. Haines was also present. Bonita Towle was present as recording clerk. Town Counsel Clement McCarthy, Chief Robert Germann of the Chelmsford Police Dept., and Sergeant Armand Caron of the Chelmsford Police Dept. were also present. Mr. Lovering, Chairman, called the Executive Session to order at 8:30 PM.

At this point in time, the Chairman turned the meeting over to Clement McCarthy, Town Counsel. Mr. McCarthy stated that on the basis of Sgt. Caron's thorough investigation, we are left solely with a rather anemic Bill of Particulars, and there is only one of the charges which Town Counsel thinks is meritorious or should be pressed before preparing for signature to the Bill of Particulars, Town Counsel felt that he should read the Bill of Particulars, which the Board received in a letter dated March 18, 1976, from Atty. John F. Zamparelli, Counsel for Norman Wellington. The Bill of Particulars and response to same are as follows:

1. The date on which Mr. Wellington allegedly threw an explosive device onto the property at 89 High Street, Chelmsford...June 10, 1975
2. The nature of the explosive device allegedly thrown by Mr. Wellington...identified at Ft. Devens by Sgt. DeLisle of the of the Bomb Explosion Unit as a simulator projectile ground burst - M115A2, we can respond to that
3. The date on which Mr. Wellington allegedly stole liquor... the source of the original information was a Mr. Chandler Robinson. The report from Sgt. Caron reads as follows: On March 14, 1976 Mr. Robinson told Sgt. Caron, in regards to an alleged bottle of liquor being taken from a motor vehicle in 1970...Mr. Robinson told me at this time that he was told by a Vernon Gower, an employee of his, that Gower saw Officer Wellington walking up the banking with some type of a bottle. Mr. Robinson stated that at no time did he see Officer Wellington or a bottle. The only information Mr. Robinson had on the bottle was what Mr. Gower had told him. Mr. Gower has moved to Maine, and his whereabouts are not known...the date on which Mr. Wellington allegedly stole liquor cannot be determined at this time. Mr. McCarthy recommended that those charges be waived.
4. The date on which Mr. Wellington allegedly stole hub caps... date cannot be determined at this time - as there is no evidence that Mr. Wellington ever stole any hub caps.
5. The person from whom Mr. Wellington allegedly stole liquor... no evidence
6. The person from whom Mr. Wellington allegedly stole hub caps ... no evidence
7. The exact place at which Mr. Wellington allegedly stole liquor...no evidence
8. The exact place at which Mr. Wellington allegedly stole hub caps...no evidence

9. The names of persons who aided, encouraged, abetted or joined with Mr. Wellington in the alleged theft of liquor...no evidence
10. The names of persons who aided, encouraged, abetted or joined with Mr. Wellington in the alleged theft of hub caps...no evidence.
11. The names of all witnesses to the alleged theft of liquor... no evidence
12. The names of all witnesses to the alleged theft of hub caps... no evidence
13. The text of any police regulation allegedly violated by Mr. Wellington in the alleged throwing of an explosive device... no regulation
14. The text of any police regulation allegedly violated by Mr. Wellington in the alleged theft of liquor and hub caps... we'll have to waive that

Mr. McCarthy counseled the Board that the specifications with respect to liquor & hub caps and witnesses and regulations can be answered either by waiver or the fact that there is no present evidence and if any develops between now and the scheduled hearing date, they will be promptly notified of same; and in the event that no additional evidence develops along those lines, on the night of the hearing we will waive the hearing. Mr. McCarthy requested that the Board authorize him to spend what ever funds are necessary, if it develops that it is necessary, to bring on a gentleman who has been variously described as living in Pennsylvania or Long Island, New York, who was recouperating from an operation at the time at his brother-in-law's house (Mr. Richard Miller). He stated that he woke up at the time; heard the explosion; looked out and saw a flashing light. Mr. Miller stated that he did not hear anything. On a motion by Mr. Hart, seconded by Mr. Murphy, the Board unan. voted to confirm the following: The igniter incident is the only incident which is viable, and which should be pursued at the hearing. On a motion by Mr. Hart, seconded by Mr. Murphy, it was unan. voted to authorize Town Counsel to spend whatever funds are necessary, within a reasonable amount, to bring on Mr. Miller's brother-in-law from Penn. or New York, if Town Counsel determines that this is necessary. On a motion by Mr. Hart, seconded by Mr. Murphy, it was unan. voted to adjourn the Executive Session and reconvene to the Open Meeting. The Executive Session concluded at 8:55 pm.

For the Board of Selectmen, by

Dorothy Tovell

Minutes of Executive Session held on November 22, 1976, regarding the physical condition and mental health of applicants for the positions of Laborers in the Chelmsford Highway Department.

Exec. Session re: physical condition & mental health of applicants for Laborer (2 openings) in the CHD

Members of the Board of Selectmen present were: Mr. Hart; Mr. Currier; Mr. Palmer; Mr. Murphy and Mr. Lovering. Mrs. Haines, Adm. Asst., was also present. Bonita Towle was present as Recording Clerk. Mr. Hart, Chairman, called the Executive Session to order at 9:00 PM.

Mr. Currier advised the Bd. of his concerns regarding this matter - he stated that when Highway Dept. Laborers begin working for the Town, the first job they are assigned is on the back of the Ashes & Waste truck, and he is concerned that the BOS may have hired someone who is not capable of performing this work. Mrs. Haines advised the Bd. that Mr.Cronin, when he first began work under the CETA Program in the Hghy. Dept., did work on the back of the Ashes & Waste truck, however, the work was difficult for him.

Mrs. Haines stated that Mr. Rondeau, Hghy. Supt., recommended that a position be held in the Hghy. Dept. for Arthur Bellemore, when the CETA Program is terminated - Mr. Hart stated that that position is still available, and Mr. Rondeau appeared before the Bd. on two occasions & advised the Bd. that he was saving a position for Mr. Bellemore when he is terminated from the CETA Program. Mr. Hart stated that if we appoint Mr. Bellemore to a position in the Hghy. Dept. now, the Town will have to pick up his salary, and we lose our position under the CETA Program. Mr. Currier asked how many openings there are - two or three.

On a motion by Mr. Currier, seconded by Mr. Palmer, it was unan. voted to reconvene to the Open Meeting. The Executive Session was adjourned at 9:07 PM.

Exec.Session Adjourned

For the Board of Selectmen, by

Bonita Towle

Minutes of Executive Session held on November 22, 1976, regarding the physical condition of Officer Norman Wellington.

Exec.Session re: physical condition of Officer Norman Wellington

Members of the Board of Selectmen present were: Mr. Hart; Mr. Currier; Mr. Palmer; Mr. Murphy;& Mr.Lovering. Mrs. Haines, Adm. Asst. was also present. Bonita Towle was present as Recording Clerk. Mr. Hart, Chairman, called the Executive Session to order at 9:57 PM.

The Board discussed the excessive amount of sick days incurred to date by Officer Norman Wellington, since his return to duty on the desk at the Chelmsford Police Department. On a motion by Mr. Lovering, seconded by Mr. Currier, it was unan. voted to discuss this matter & any action the Bd. may take with regards to sick time of Officer Wellington with our Labor Relations Advisor when the Bd. meets with them on Nov. 23, and request that they advise the Bd. within 2 wks. of their recommendations.

On a motion by Mr. Currier, seconded by Mr. Palmer, it was unan. voted to reconvene to the Open Meeting. The Executive Session was adjourned at 10:05 PM.

Exec.Session Adjourned

For the Board of Selectmen, by

Bonita Towle

Executive Session re: Norman Wellington

Executive Session of the Board of Selectmen held April 8, 1976, re: disposition of Board of Selectmen regarding hearing held on April 8, 1976 on allegations that Officer Norman Wellington threw an explosive device onto the property of Jean-Paul J. Gravell, 89 High Street,on June 10,1975. Attorney David Berman, counsel for the employee, stated to the Board shortly before the Open Meeting convened to Executive Session that he had no objection to the Board's going into Executive Session to discuss this matter further.

Members present were: Mr. Hart; Mr. Currier; Mr. Palmer; Mr. Murphy and Mr. Lovering. Mrs. Haines, Administrative Assistant to the Board of Selectmen and Clement McCarthy, Town Counsel were present. Bonita Towle was present as Recording Clerk.

Mr. Hart polled Board Members to determine whether or not they feel that Officer Norman Wellington is guilty of conduct unbecoming an officer. The vote was as follows: Mr. Currier - guilty; Mr. Palmer - guilty; Mr. Murphy - guilty; Mr. Lovering - guilty; Mr. Hart - guilty. The Board was unanimous, Officer Wellington was guilty as charged.

Statement Released

Attorney Clement McCarthy read the following statement which the Board, on a motion by Mr. Currier, seconded by Mr. Palmer, unanimously voted to release to the public upon reconvening to Open Session:
The Board of Selectmen, after hearing all the evidence, has determined unanimously that just cause exists for your suspension and has determined that you shall be suspended for a period of sixth (60) days. Formal notice of this suspension will be given to you within the period referred to in the agreement to extend, signed by you, your counsel, and counsel for the appointing authority.

Executive Session Adjourned

On a motion by Mr. Murphy, seconded by Mr. Currier, the Board unan. voted to adjourn Executive Session. The Executive Session was adjourned at 9:35 PM.

For the Board of Selectmen, by

Bonita Towle

Executive Session re: Factfinder's Report re - Firefighters

Executive Session of the Board of Selectmen held April 14, 1976, re: discussion of factfinders recommendation for the firefighters.

Members present were: Mr. Hart; Mr. Currier; Mr. Palmer; Mr. Murphy; and Atty. Robert Crowe, Labor Relations Advisor. Mrs. Haines was present as Recording Clerk.

The Board agreed on the following issues on a two-year contract basis:
Issue #1) Wages - 8% effective July 1, 1975 - 7½% effective July 1,1976.

Issue #3) Holidays - a. Martin Luther King Day b. time and one-half will be paid to all employees who work Christmas, New Year's, and Thanksgiving Day.

Issue #4) Personal Days - allow each employee to substitute two personal days per year for two sick leave days allow only one night shift

Item #6) Educational Incentive - $600 for degree $150 EMT Certificate of successful completion required

Item #7) Manpower & Work Week - Include as language in contract "Man for Man replacement" work schedule not to appear in contract.

The Board then reconsidered their position on the Police Department and agreed on the following 8% effective July 1, 1975 and 2% plus 4-2-4 work week effective July 1, 1976.

Atty. Crowe agreed to contact Union Officials to establish a meeting date to discuss the above. He will advise the Adm. Asst. of the date & time.

Exec. Session Adjourned

On a motion by Mr Currier, seconded by Mr. Palmer, the Board unan. voted to adjourn the Executive Session. The Executive Session adjourned at 8:40 PM.

For the Board of Selectmen, by

Evelyn M. Haines

EXECUTIVE SESSION RE: Fire Dept. Negotiations

Executive Session held on April 26, 1976 at 8:25 PM to further discuss Fire Department Negotiations. Members of the Board of Selectmen present were: Mr. Hart; Mr. Currier; Mr. Palmer; Mr. Murphy and Mr. Lovering. Mrs. Haines, Adm. Asst. was present, as well as Robert Crowe, Labor Relations Advisor. Bonita Towle was present as Recording Clerk. Chief Frederick Reid was called into the meeting shortly after it commenced.

Mr. Crowe stated that the Firefighters, provided that they get Martin Luther King Day for 1977, will give up the two personal days for this year. In other words, the two personal days will not become effective until July 1, 1976. The Firefighters had requested three (3) unspecified holidays, in place of Martin Luther King Day - this was agreed to.

At this point the Board asked that Chief Reid join the Executive Session.

Chairman Hart then asked the Board their pleasure. On a motion by Mr. Currier, seconded by Mr. Palmer, it was voted four in favor, one opposed, Mr. Lovering, to grant the change as follows: give the Firefighters Martin Luther King Day for 1977, and they will give up the two personal days for this year.

On a motion by Mr. Currier, seconded by Mr. Palmer, it was unan. voted to adjourn Executive Session and return to Open Session.

Executive Session Adjourned

The Executive Session adjourned at 8:32 PM.

For the Board of Selectmen, by

Bonita Towle

EXECUTIVE SESSION RE: insurance on several Town bldgs. & Hunter water problem & opinion from Tn. Counsel McCarthy regarding same

Minutes of Executive Session held on February 7, 1977 at 10:30 PM to discuss matters relating to the financial security of the community with regard to insurance on several town buildings and a water problem at the home of Mr. & Mrs. Hunter on Wesley Street. Members of the Board of Selectmen present were: Mr. Hart; Mr. Currier; Mr. Palmer; Mr. Murphy and Mr. Lovering. Mrs. Haines, Administrative Assistant, was also present. Bonita Towle was present as Recording Clerk.

On a motion by Mr. Currier, seconded by Mr. Palmer, it was unan. voted to drop insurance coverage on the East School; Quessy School; Highland School; Grange Building; Stedman Street School; East Fire Station; old West Fire Station; Varney Playground Field House and the Emerson House. This was a result of the budget mtgs. with the Ins. Adv. Comm. We will notify the Finance Committee that the above action was taken in Exec. Session under a municipal private memo.

The Board then discussed how they wish to handle the problem of the Hunters, of 8 Wesley Street, North Chelmsford re: salt content in their water. Town Counsel Clement McCarthy had furnished the Board with a lengthy opinion in which he suggested that the Town be liable for costs of repairs regarding this problem. On a motion by Mr. Currier, seconded by Mr. Palmer, it was unan. voted to forward this matter to our current Town Counsel James Harrington for his opinion. If we get the same answer from him as we received from Atty. McCarthy, perhaps a private settlement may be reached. We will deal with that matter after we receive Atty. Harrington's opinion, if necessary.

Exec.Session Adjourned

On a motion by Mr. Currier, seconded by Mr. Palmer, it was unan. voted to reconvene to the Open Meeting. The Executive Session was adjourned at 10:32 PM.

For the Board of Selectmen, by

Bonita Towle

March 14, 1977

At 12:25 AM the Board adjourned to Executive Session on a unan. Roll Call vote to discuss negotiations. Members present were: Mr. Hart; Mr. Currier; Mr. Palmer; Mr. Murphy; and Mr. Lovering. Evelyn M. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. Executive Session re: Negotiations (Highway)

Mr. Hart stated that we have a problem in the Highway Dept. Negotiations regarding the issue of seniority as it relates to the date of original hire. The Hghy. Dept. negotiator is confused with the meaning of 'temporary employee.' The Hghy. Dept. employees feel that all employees of the Hghy. Dept., temporary & permanent, should be covered by the contract.

The Town bylaw states that re: sick leave & vacation - these are benefits for permanent employees, not for temporary employees, the Board was in agreement with this.

Re: date of original hire & seniority, the Board agreed that they could support applying an employee's temporary time towards his seniority if he goes directly from a temporary position to a permanent position - this seniority could be applied in bidding for jobs; however, temporary employees, the Board agreed, are not eligible for the other benefits given to permanent employees.

The Board agreed to request an evaluation report on Robert Loyd, Mechanic for the Highway Dept., from Louis Rondeau, Supt. of Streets. Mechanic for Hghy. Dept.

At 12:35 AM Mr. Currier moved that the Board adjourn to the Regular Open Meeting - motion was seconded by Mr. Palmer and unan. voted by the Board to reconvene to the Open Meeting, and adjourn the Executive Session. Reconvene to Open Meeting Exec. Session

For the Board of Selectmen, by

Bonita Towle

Minutes of Executive Session held on March 21, 1977, to discuss qualifications of a Town employee and financial ramifications of that employee to the Town of Chelmsford. Members present were: Mr. Hart; Mr. Currier; Mr. Palmer; Mr. Murphy and Mr. Lovering. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. Mr. Hart opened the Executive Session at 10:20 PM.

Executive Session to discuss qualifications of an employee

Mr. Currier stated that during the past two weeks we had requested a report from the Supt. of Streets regarding performance of the Highway Dept. mechanic, Bobby Loyd, and as we received the report, Mr. Currier suggested that we discuss it in Exec. Session. The report from Mr. Rondeau was as follows: "In my opinion, Mr. Loyd is capable of repairing the Highway equipment he is familiar with. In a short period of time, I believe he will be able to repair all equipment." Mr. Loyd commenced working for the Town on Feb. 14, 1977. Several members of the Board have received complaints on Mr. Loyd's performance. Mr. Loyd cannot write specs. The Board agreed that they had requested, and received, an opinion from the Highway Superintendent regarding the mechanic - and they had to accept Mr. Rondeau's opinion. Mr. Murphy stated that we have to protect the community, because at the end of the probationary period, we must make a decision regarding Mr. Loyd. Mr. Hart stated that the salary is so low that we cannot possibly get a first class mechanic for the Hghy. Dept. who will do a good job for the money we are paying. Mr. Hart stated that if we find that Mr. Loyd can't do the job-and if we have two positions available which are the same, and we have talked about bringing in a position which would be realined, so that these positions would not be both the same - one that is a higher pay scale & has a different type of mechanic doing the job, we could change it around so that we would only have the one regular mechanic at the present rate and one above - we could interview the two present mechanics for the above job-doing away with one of the below jobs, and if the man is not capable of doing the new job then we won't move either of them up, and we would do away with one of the bottom jobs. Mr. Hart stated that one of the things which the Hghy. Dept. is trying to get into their contract is that we cannot do away with any jobs, at present, we can do away with any job we deem necessary. We cannot contact his (Mr. Loyd's) previous employer without his permission - and we have one month left--we can re-address this issue during this time if something else comes up regarding this subject.

Discussion re: Highway Dept. Mechanic

Mr. Currier stated that re: Police Negotiations, we are on our way to mediation. Mr. Currier stated that re: Fire Negotiations, an interesting item was brought out today during negotiations. We found out that we don't have minimum manning in the Fire Dept., we have position staffing, which means that if you have a station with a ladder truck & a pumper truck, and we say that we will have two men in the ladder truck and three men in the pumper truck, we are saying that we have created those positions-if one of them calls in sick, we don't have to fill that position-we don't have to put a man in there. We would drive out to the fire with one less man-however, we have 3 stations with only 2 men in them at any one time, so if one man does not show up for work, you can't not fill his job-but we have two stations where we have more than 2 men. We should address this with Chief Reid.

Discussion re: Fire Negotiations

Mr. Hart addressed the matter of awarding behavior above and beyond the call of duty. He suggested that we cease giving days off with pay, and that in the future, we will send the employee in question a letter of

commendation. The Board agreed that in the future, we will have a motion to send the employee in question a letter of commendation and place same in his personnel file, even if there is a recommendation by the Dept. Head to give the employee a day off with pay. We will handle these matters on a case to case basis. Exec.Session continued

On a motion by Mr. Currier, seconded by Mr. Palmer, it was unan. voted to adjourn the Executive Session and return to the Open Meeting. The Executive Session was adjourned at 10:45 PM. Exec.Session Adjourned

For the Board of Selectmen, by

Brita Towle

Executive Session re: two Highway Dept. employees held on March 29,1977.

Members present were: Mr. Hart; Mr. Currier; Mr. Palmer; Mr. Murphy and Mr. Lovering. Mrs. Haines, Adm. Asst. was also present, as was Bonita Towle, Recording Clerk. The Exec. Session commenced at 9:07 PM.

Executive Session re: accident involving two HD employees in HD plow

Mr. Lovering stated the incidents revolving around the accident between a HD truck and Miss Sexton on March 18, 1977. The car belonging to Miss Sexton was hit, the Police were called and they assumed that due to the size of the tracks, the vehicle which struck the car was a HD plow. The Police called the two trucks which had been plowing in that area - the driver of the first truck denied that he had been in that area and the driver of the second truck confirmed the fact that the first truck had, in fact, hit the vehicle. Damages are between $400-$800. The Police determined that the driver of the truck was not inebriated; however, the passenger, an employee of the HD, was taken into protective custody. It is not stated in the Police Report or in Mr. Rondeau's cover letter that Sgt. Caron found two six-packs of beer inside of the truck on the floor with three beers missing from each six-pack. Drinking on Town property, in Town-owned property took place by both employees of the HD. Sgt. Caron has the beer at the Police Station under lock and key and he is willing to testify to the above facts. Mr. Lovering suggested that we hold a hearing with the employees on this matter, and we should give them the choice of whether they want the hearing to be public or private, in keeping with the contract. Sgt. Caron and the other arresting officer will be present, as well as both employees, Mr. Rondeau, our Labor Rel. Advisor, Mr. Sexton and his daughter. After the hearing the BOS can determine what type of disciplinary action they will take concerning the employees. This should be done within the next week, Mr. Lovering noted. The topic of the hearing should be the incident, as well as any proposed retribution to the Town - we will ask Robert Crowe about this-we can refer to the section in the contract "Discipline" - Mr. Crowe can advise us how to handle this item. Mr. Murphy wanted to get some answers from the Chief as to why this was not reported in the Police Report - we can ask him this after the hearing, which will be under oath. Mr. Hart on separate occasions in the past has informed Mr. Fantozzi, Foreman, and Mr. Rondeau, Supt., that he would not stand for any drinking in Town vehicles by the Hghy. Dept., and we should take a hard line regarding this incident. On a motion by Mr. Lovering, seconded by Mr. Currier, it was unan. voted to set up a hearing and have the AA, working with our LRA, send out all the letters to the appropriate parties. On the evening of the hearing, we can discuss if they got paid that night of the accident-Mr. Lovering feels that the pay for that evening should be deducted from their salaries.

On a motion by Mr. Currier, seconded by Mr. Palmer, it was unan. voted to adjourn the Exec. Session and to return to the regular open meeting. The Board adjourned the Exec. Session at 9:15 PM.

Exec.Session adjourned

For the Board of Selectmen, by

Bonita Towle

Executive Session held on April 11, 1977 re: Grievance filed by Officers Mack & Niemaszyk

Executive Session of the Chelmsford Board of Selectmen held April 11, 1977 to discuss a grievance submitted by Officers John Mack & Thomas Niemaszyk. Members present were: Mr. Currier; Mr. Murphy; Mr. Shanahan; Mr. Lovering and Mr. Hart. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. Officers Mack and Niemaszyk were present. Mr. Currier, Chairman, opened the Exec. Session at 8:46 PM. The Board agreed to allow John Donovan, Sec. of the Police Union, to sit in on the Exec. Session.

Mr. Currier stated that the BOS and Chief Germann are in receipt of an opinion from Attorney Robert Crowe, LRA for the Town regarding the seniority grievances by Officers Mack & Niemaszyk in which Atty. Crowe recommended that the grievance complaint be rejected. Officer Mack stated that he does not agree with Atty. Crowe's response, as Art. 9 of the contract defines continuous service as the most recent period of unbroken service with no breaks in service, except as otherwise defined under Civil Service Regulations. Officers Mack & Niemaszyk contend that they were denied certain rights and benefits allowed to officers in the contract under the seniority clause, and the promotions, vacations and reductions in force clause. Officer Mack had been employed for 6½ years on the Westford Police Dept. and has been employed for 4 years on the CPD. The contract cross-references civil service regulations in Article X. As of last May, Officer Mack was advised by Chief Germann that he would begin to receive his benefits, as he had served for 3 years on the CPD at that point in time. Officer Mack was advised that he would receive his benefits after three years of service, when he transferred to the CPD. Officer Niemaszyk stated that his case is the same as Officer Mack's, and he was advised by the Chief of the same info. as Officer Mack, verbally. Officer Niemaszyk was advised by then Chairman of the BOS, Thomas Markham and by Chief Germann that he would receive his back benefits after serving on the CPD for three years, in accordance with MGL 31-15D. Officer Mack received his seniority several months before Officer Niemaszyk, and he received top patrolmen's pay, longevity and vacation pay as of last year. Before the end of the year, Officer Mack had put in a total of 10 years of service in Police Departments, and he received his 28 days vacation and 3% longevity up to his 10th year, then he received 6% longevity up until 3-4 weeks ago, when the Chief advised both men that he had received a complaint regarding their benefits. Officer Niemaszyk stated that by hiring himself and Officer Mack the Town had saved a considerable amount of money, as both have extensive schooling. At 9:05 PM both officers left the Exec. Session, in order that the Board could deliberate and take a vote on the men's request. The Board agreed that they would advise both men in the open meeting of the outcome of their deliberations. Both men stated that they would be willing to sign an agreement that they would not push the issue of bidding shifts - their only concerns are vacation and longevity, if the Board would vote in their favor this evening.

Mr. Currier stated that we must give the men an answer by Thursday. On a motion by Mr. Lovering, seconded by Mr. Shanahan, it was unan. voted to act in favor of the mens' grievance, as it applies to longevity and vacation only - and it does not set a precedent - the men will sign an agreement indicating that the Board's judgement only applies to these 2 areas. The Bd. agreed to request Atty. Crowe to put together a procedure for hiring a transfer in the future in the Police Dept. which will be written into the contract.

Exec. Session Adjourned

On a motion by Mr. Lovering, seconded by Mr. Shanahan, it was unan. voted to adjourn the Exec. Session and return to the Open Meeting at 9:05 PM.

For the Board of Selectmen, by

Bonita Towle

Executive Session of the Board of Selectmen held April 19, 1977, regarding disciplinary hearing concerning two Highway Dept. employees involved in an accident involving a Town vehicle and a car owned by Mr. & Mrs. Robert Sexton's daughter, Lynn, on March 18, 1977.

Disciplinary Hearing re: 2 Hghy.Dept. Employees

Members of the Board of Selectmen present were: Mr. Currier, Mr. Murphy, Mr. Shanahan and Mr. Lovering. Mr. Hart was not present due to illness. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. Other persons present were as follows: Mr. & Mrs. Robert Sexton, owners of the car, and their daughter Lynn, a driver of the car; Sgt. Armand Caron, Patrolman Richard Adams, and Officer John Redican - all of the Chelmsford Police Department; Arthur Murphy, Labor Relations Advisor; Joseph Oczkowski and Kenneth Burroughs-the Highway Dept. employees involved in the accident - Mr. Oczkowski was the driver and Mr. Burrows was in the passenger seat of the plow; Louis Rondeau, Highway Supt; John Fantozzi, Hghy. Dept. Foreman; Paul McWade, Union Rep. and Maurice Teehan, Highway Dept. Union Steward.

Ground Rules re: Disciplinary Hearing re: 2 Hghy. Dept. employees were given by Chairman Currier

Chairman Currier informed all parties concerned of the ground rules of this diciplinary hearing. All speakers will be sworn in and their testimony will be given under oath. No debate or dialogue should be conducted between the Board and the witnesses. Attorney Arthur Murphy, LRA will call witnesses. The Counsel for the Town will conduct his investigation, then the Counsel for the employees will conduct his investigation. Mr. Currier stated that the purpose of this hearing is to find out all of the details and all of the facts - this is not necessarily an adversary proceeding.

Executive Session Commences

The Exec. Session commenced at 8:46 PM, at which time Mr. & Mrs. Sexton, Lynn Sexton, Sgt. Caron, Officer Redican, Patrolman Adams, Louis Rondeau, and John Fantozzi left the hearing room. All other persons mentioned above attended the Exec. Session.

Atty. Murphy stated the facts which are: There was an accident involving a snowplow operated by Joseph Oczkowski with Mr. Burroughs present and an auto owned by the Sextons. At a later time they agreed that there probably was an accident-at first they stated that they were not aware of any accident. Pat. Adams will testify that he felt that Mr. Burroughs was under the influence of liquor, and Pat. Adams will testify that he saw two six-packs of beer being taken from the snowplow with Mr. Oczkowski & Mr. Burroughs there. Pat. Adams will testify, if asked, that in his opinion, Mr. Oczkowski was not under the influence of liquor; however, he took Mr. Burroughs into protective custody. Mr. Rondeau will testify that there were admissions made by Mr. Oczkowski that he did have something to drink at an earlier time. Atty. Murphy stated that Sgt. Caron and Officer Redican can corroborate Pat. Adams' testimony.

Persons who testified under oath were: Pat. Richard Adams; Sgt. Armand Caron; Louis Rondeau, Supt. of Streets; Mr. Robert Sexton; John Oczkowski; Kenneth Burroughs. After all the testimony was reviewed, the Board requested that Mr. Oczkowski, Mr. Burroughs, Mr. McWade and Mr. Teehan leave the Exec. Session, in order that the Board could deliberate in private on the testimony and action to be taken. Before Mr. McWade left the Exec. Session, he stated that it was evident that both men had a very hard day, and that some beer was consumed while they were in the snowplow. Mr. McWade stated that any reprimand from the Bd. should not be too severe - however, he feels that there should be some mild reprimand for having the alcohol in the snowplow.

Disciplinary Hearing - Exec.Session re: 2 Hghy. Dept.employees continued

The Board then deliberated at length on the discipline of both men and of the restitution. On a motion by Mr. Lovering, seconded by Mr. Shanahan, it was unan. voted to advise Mr. Oczkowski that he will receive one day's suspension without pay and he must pay one-half restitution to be paid within 60 days time to the Sextons for damage to their vehicle-estimate for same is $200-$225 total damage; it was also voted to advise Mr Burroughs that he will receive two weeks' suspension without pay and he must pay one-half restitution to be paid within 60 days time to the Sextons for damage to their vehicle-estimate for same is $200-$225 total damage - Roll Call vote on this motion was as follows: Mr. Murphy-Aye; Mr. Shanahan-Aye; Mr. Lovering-Aye; Mr. Currier-Aye.

Exec. Session Adjourned

On a motion by Mr. Lovering, seconded by Mr. Murphy, it was unan. voted to adjourn the Executive Session and return to the Open Meeting - Roll Call vote was as follows: Mr. Murphy-Aye; Mr. Shanahan-Aye; Mr. Lovering-Aye; Mr. Currier-Aye. The Board adjourned the Exec. Session at approximately 10:58 PM.

For the Board of Selectmen, by

Barbara Tobin

Exec.Session held June 13, 1977 re:status of work on Crystal Lake

Executive Session of the Chelmsford Board of Selectmen held June 13, 1977, to discuss the Crystal Lake Project and problems with leakage in the lake and problems with Change Order #4 re: DeMatteo Construction Company. Members of the Board of Selectmen present were: Mr. Currier; Mr. Murphy; Mr. Shanahan; Mr. Lovering; and Mr. Hart. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. Mr. Robert Loney of Fay, Spofford, & Thorndike, Attorney James Harrington, Town Counsel and Mr. Edmund Polubinski, Chairman of the Crystal Lake Restoration Committee were also present. The Ex. Ses. commenced at 9:56 PM.

On a motion by Mr. Lovering, seconded by Mr. Murphy, it was voted four in favor, one opposed-Mr. Shanahan, to authorize Town Counsel to put our list of demands, with a time-table, as part of a package for negotiation with DeMatteo Constr. Company-if they do not meet our requests by the date we request, we go back to our liquidated damages again-the following items are to be included in our demands: 1) repair leakage in the major dam construction; 2) repair workings of the inlet gate; 3) clean up of debris in lake under Change Order#4;4)blanket the canal with clay to help repair of the the outlet structure-3 or 4 loads of clay. Mr. Shanahan does not feel that DeMatteo Constr. Co. deserves another chance, looking at their past performance. Sel. Shanahan suggested that we file the action for the damages, then dismiss it if the work is completed. The Bd. agreed that a definite date should be established & included in our demands by which the work is to be completed. DeMatteo assured Mr. Loney that they would accept the Change Order and would complete the work within a reasonable period of time - Mr. Polubinski feels that this is true.

Atty. Harrington will draw up the necessary papers regarding this matter for the Board's approval.

Exec.Session Adjourned

On a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to reconvene to the Open Meeting. Roll Call Vote was as follows: Mr. Murphy-Aye; Mr. Shanahan-Aye; Mr. Lovering-Aye; Mr. Hart-Aye; Mr. Currier-Aye. The Executive Session was adjourned at 10:15 PM. All matters discussed will be kept private until the Board advises otherwise.

For the Board of Selectmen, by

Bonita Towle

Exec.Session held Oct.3,1977 re: Town Employees discipline or dismissal

Executive Session of the Chelmsford Board of Selectmen held October 3, 1977, to discuss the discipline or dismissal of public employees. Members present were: Mr. Currier; Mr. Murphy; Mr. Shanahan; and Mr. Hart. Mr. Lovering was out of Town on business. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. The Executive Session commenced at 8:15 PM.

The Board discussed the employment of Philip Gilinson, Purchasing Agent under the CETA Program. At the last work session the Board had (Sept. 29) agreed to instruct Sel. Hart to advise Mr. Gilinson of the Board's decision to terminate his employment due to Mr. Gilinson's problem with alcohol.

Sel. Hart spoke to Mr. Gilinson on Sept. 30 and informed him of the Board's decision. Mr. Hart informed him that if he wereinterested, and if it would be possible, the Board would try to place him in another CETA Program position which would not require a great deal of public contact. Sel. Hart advised Mr. Gilinson to come in and see the AA on Sept.30. The AA spoke with Mr. Gilinson on Friday at approx. 10:30 AM at which time he informed her that he would be interested in another position - the AA advised him that she would speak to the Lowell CETA Office & Sel. Hart and call him back later that afternoon.

Exec.Session Oct. 3,1977 continued

The AA could not reach Mr. Clark at the Lowell CETA Office on Fri. afternoon, therefore she called Mrs. Gilinson (Mr. Gilinson's mother) and advised her that she would appreciate Mr. Gilinson's returning her call, as he was not at home when she called his home at 3:30 PM. Mrs. Haines had been advised by the CETA Coordinator, Jerry House, that Mr. Gilinson was at the Emerson House on Friday afternoon and he appeared to be inebriated. John Clark returned the AA's call on Oct. 3 - there are no positions available at this point in time. Mr. Clark was concerned that we did not have enough info. on record to terminate Mr. Gilinson at this time. The AA stated that the time sheet sent over last week had been written on by her - she wrote on it "No excuse-no pay." She signed it that way as he had sent over a pay voucher for a full week's pay. Mr. Hart stated that he has not been to work since Sept. 29. On a motion by Mr. Shanahan, seconded by Mr. Murphy, it was unan. voted to forward Mr. Gilinson a letter indicating that his employment with the Town will be terminated effective as of Friday, October 7, 1977.

The Board then discussed the performance of Robert Sheridan, Custodian for the Town Hall, which they had discussed at their work session on Sept. 29. As agreed, Sel. Currier arrived at the Town Hall at 5:15AM on Sept. 30 and waited here until 5:35 AM - Mr. Sheridan did not appear at the Town Hall during this time period, as his time sheet indicated that he would be working at that time at the Town Hall. Sel. Currier suggested that the Board continue to spot-check Mr. Sheridan during working hours - the Board agreed to have the AA redate the letter to Mr. Sheridan which is in the file (Signature Folder) and give same to Mr. Sheridan - it indicates that his resignation will be accepted by the BOS effective Jan. 1, 1978. Sel. Hart stated that he can possibly make a spot-check at 5:30 AM on Oct. 4. When the Board receives Mr. Sheridan's new schedule, they can coordinate times for the spot-checks through the AA. Mr. Shanahan stated that when Mr. Sheridan approaches the AA, she should remind him that the Board has been concerned with his performance, as well as his hours - as they do not coincide with his time schedule as submitted to the AA.

Mr. Currier informed the Board that he had recently been made aware of a piece of corres. which the Town Planner has circulated amongst CETA employees' supervisors, which Mr. Currier feels is out of order - he feels that the Town Planner is over-stepping his responsibility. The Bd. agreed that the memo should have been addressed to the BOS from Mr. Carney, in order that the Bd. may have been advised of any problems in the operation of the CETA Program. Sel. Currier will speak with Mr. Carney about press releases, letters to CETA Supervisors, etc.

The AA asked the Board if they feel that it is necessary to hire a new Purchasing Agent to replace Mr. Gilinson. Sel. Hart does not feel that it is necessary. Sel. Currier feels that we should look at the applications we have on file and the people we currently have working in CETA to see if we have someone we may wish to interview for this position, if we do not have someone, we may have to go back to the old way of purchasing - that was Sel. Hart's suggestion. Mr. Currier suggested that we consider these applications immediately for a reasonable period of time - 2 weeks - if at the end of 2 weeks we should not receive qualified applicants, we can keep the position open for six months, or whatever period of time the Board agrees upon.

Exec.Session Adjourned

On a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to adjourn the Executive Session and return to the open meeting - Roll Call vote was as follows: Mr. Currier-Aye; Mr. Murphy-Aye; Mr. Shanahan-Aye; Mr. Hart-Aye. At 8:25 PM the Board reconvened to the Open Meeting.

For the Board of Selectmen, by

Brita Towle

Exec.Session 10/24/77 re: Robert Sheridan, Town Hall Custodian

Executive Session of the Chelmsford Board of Selectmen held October 24, 1977, to discuss a request of Robert Sheridan, Town Hall Custodian, regarding the Selectmen's letter to him dated October 4, in which the Board informed Mr. Sheridan that they would accept his resignation as Town Hall Custodian as of Jan. 1, 1978. Members present were: Mr. Currier, Mr. Murphy, Mr. Shanahan, Mr. Lovering and Mr. Hart. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. Robert Sheridan was present and Atty. James Geary was present representing Mr. Sheridan. Mr. Currier called the Exec. Session to order at 7:05 PM.

Atty. Geary stated that to the best of his knowledge, there were no formal reprimands in Mr. Sheridan's personnel folder, although Mr. Sheridan had been notified verbally of the Adm. Asst's. and Board's displeasure with his work on several occasions in the past. Atty. Geary noted two such occasions, one when Mr. Sheridan had been absent for one week due to sickness, and another when he had been on one week's vacation. Atty. Geary stated that Mr. Sheridan informed him that in the past he may have not done as good a job as was expected of him; but in the future he intends to try hard to do a good job. At this point in time Atty. Geary went into detail with regard to Mr. Sheridan's background in the Town of Chelmsford. Atty. Geary stated that Mr. Sheridan has submitted a Work Schedule to the AA, which he intends to follow, with the exception of exams and his school vacation, during which time he will be in closer contact with the AA during the normal working day. Atty. Geary stated that Mr. Sheridan's work will be performed within his work hours.

In answer to a question from Mr. Murphy, Atty. Geary stated that Mr. Sheridan's work week is 40 hours. Mr. Murphy asked Mr. Sheridan how long he allows himself to get from the Town Hall to the University of Lowell. Atty. Geary answered that Mr. Sheridan allows himself 15 minutes - he leaves at the 45th minute and classes begin on the hour - classes are 50 minutes in length. Mr. Murphy asked if Mr. Sheridan is at the Town Hall at 5AM, as indicated in his schedule - Atty. Geary stated that Mr. Sheridan advised him that he is either at the Town Hall or Emerson House at 5AM - Mr. Murphy informed Mr. Geary that there have been some mornings when this has been verified not to be true by Board members.

Mr. Shanahan asked if there was any understanding as to how the additional work at the Emerson House was to be handled. Atty. Geary stated that Mr. Sheridan was told verbally to commence custodial duties at the Emerson House in the Summer of 1976. Mr. Sheridan appeared before the Personnel Board on 3 occasions regarding this added work, as Mr. Sheridan felt that he should be paid for this work. The Personnel Board asked Mr. Sheridan to draw up a new job description including his duties at the Emerson House and they suggested that it would be wise for Mr. Sheridan to request an increase in pay. Mr. Sheridan stated that he submitted this new job des. to Mrs. Haines, but he never heard from her regarding this. Mrs. Haines stated that she does not recall the new job des. to which Mr. Sheridan referred. Mr. Shanahan stated on one occasion at 5AM, he personnaly stopped by the Town Hall and Mr. Sheridan was not there.

Mr. Lovering stated that he does not recall, when Mr. Sheridan was originally appointed, whether or not there was any language in the Board's vote regarding his attending school while working 40 hours in the Town Hall. The Adm.Asst. stated that she is quite sure that she left the Board a memo regarding same. Mr. Lovering stated that he is concerned about performance and a basic incompatibility of being able to do the job in the Town Hall and have a split schedule, such as Mr. Sheridan's current schedule - Mr. Lovering does not feel that this is fair to the Board or to Mr. Sheridan. Mr. Lovering also stated that the Pers. Bd. is responsible for administering the bylaws regarding personnel requirements but in terms of the management aspect, and performance, etc. of

Exec.Session 10/24/77 re: Robert Sheridan continued

Town employees, and in this case regarding the Custodian of the Town Hall, the Board of Selectmen have the jurisdiction over the Custodian. Atty. Geary stated that he spoke to Dave McLachlan of the Pers. Bd., because if an agreement cannot be reached this evening, there may be an avenue of appeal or grievance procedure with the Personnel Board.

Mr. Currier asked if Mr. Sheridan had circulated a petition relative to his employment within the Town Hall. Atty. Geary stated that he prepared a statement and caused it to be brought to the Town Hall approximately 1½ to 2 weeks ago to determine if other employees of the Town Hall felt that Mr. Sheridan was doing his job effectively. In answer to a question from Mr. Currier, Atty. Geary stated that the petition was brought around the Town Hall during normal working hours. Mr. Currier stated that it is very difficult not to sign a petition when the person to whom it refers is standing in front of you awaiting your signature - Mr. Currier does not see much validity in the petition, and he further stated that the Town does not pay Mr. Sheridan to circulate petitions, but they pay him to clean the building. Mr. Currier stated that prior to one month ago, he and other members of the Board have come to the Town Hall and Emerson House at 5AM to verify whether or not Mr. Sheridan was working. Mr. Currier further stated that he received a telephone call from someone who drives by Town Hall every day at 5AM - the person asked him why the lights have been on at the Town Hall (wasting energy) at 5AM for the past month, indicating that before that time, the lights were not on and no one was in the Hall. Atty. Geary stated that he and Mr. Sheridan are requesting that the Board change the date of their acceptance of his resignation from Jan. 1, 1978 to August 31, 1978, in order that Mr. Sheridan can complete his schooling at the University of Lowell, as after August he will hopefully be pursuing a career in another field as a result of his college training.

Mr. Murphy stated that the fact that the petition was brought around the Town Hall by Mr. Sheridan would detract any objectivity the petition may have had, and he does not go along with Atty. Geary's rationalization of same. Mr. Lovering asked Mr. Sheridan if he understood that he worked for the Board through the supervision of Mrs. Haines, and when Mrs. Haines speaks, she speaks for the Board. Mr. Lovering asked if the Adm. Asst. had anything to add. Mrs. Haines stated that she has been quite displeased with Mr. Sheridan's performance and she told him in June of 1977 that she could not go along with his continuing to go to school in the coming Fall-after this discussion, Mr. Sheridan spoke to two members of the Board, individually (Mr. Currier & Mr. Shanahan). Mr. Lovering stated that as far as he is concerned, the AA has to be pleased with Mr. Sheridan's work performance, as she is his immediate supervisor - Mr. Lovering does not feel that he should have to be bothered with this. Mr. Currier stated that in this matter, the most important person to be satisfied is the AA.

Atty. Geary stated that he feels that before the Emerson House was added to Mr. Sheridan's duties, there was no problem with Mr. Sheridan's performance - Mrs. Haines stated that she could not agree with that statement. Mr. Murphy asked Atty. Geary, if the Board should consider accepting Mr. Sheridan't request, would Mr. Sheridan be prepared to put, in writing, his resignation as of Aug. 31,1978 - Atty. Geary said yes. On a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to adjourn the Executive Session at 7:40 PM, in order that the Board may conduct their regular meeting - the Board will again address this subject after the regular meeting this evening, again in Exec. Session. Roll Call Vote to adjourn the Exec.Session was as follows: Mr.Murphy-Aye; Mr. Shanahan-Aye; Mr. Lovering-Aye; Mr. Hart-Aye; Mr. Currier-Aye.

Exec.Session Adjourned

For the Board of Selectmen, by

Bonita Towle

Exec.Session 10/24/77 re: Robert Sheridan, Town Hall Custodian continued from 7PM Exec.Session

As previously stated during this meeting on October 24, 1977, the Board returned to Executive Session at 9:25 PM to discuss the Board's letter dated Oct. 4, 1977, in which the Board informed Robert Sheridan, Town Hall Custodian, that they would accept his resignation as of Jan. 1, 1978. Members present were: Mr. Currier; Mr. Murphy; Mr. Shanahan; Mr. Lovering and Mr. Hart. Mrs. Haines, AA, was also present, as was Bonita Towle, Recording Clerk. Mr. Currier called the Exec. Session to order at 9:25 PM.

During the Exec. Session this eveing with Atty. Geary, representing Robert Sheridan, and Robert Sheridan, the Board had been advised that on behalf of his client, Atty. Geary had asked that the Board reconsider their previous decision outlined in a letter to Mr. Sheridan dated Oct. 4, to accept his resignation effective Jan. 1, 1978 - Atty. Geary requested that they accept his resignation effective Aug. 31, 1978, in order that he could complete his schooling.

The Board agreed that any complaints Mrs. Haines receives in the future about Mr. Sheridan's performance will be documented. The Board agreed not to change their previous decision regarding their acceptance of Mr. Sheridan's resignation as of Jan. 1, 1978.

Exec.Session adjourned

On a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to adjourn the Exec. Session at 9:30 PM. Roll Call Vote was as follows: Mr. Murphy-Aye; Mr. Shanahan-Aye; Mr. Lovering-Aye; Mr. Hart-Aye; Mr. Currier-Aye.

For the Board of Selectmen, by

Bonita Towle

Exec.Session to discuss complaints or charges against employees

Executive Session of the Board of Selectmen held October 31, 1977. Members present were: Mr. Currier; Mr. Murphy; Mr. Shanahan; Mr. Lovering and Mr. Hart. Mrs. Haines, Adm. Asst., was not present. Bonita Towle, Recording Clerk was present. Mr. Currier called the Exec. Session to order at 9:55 PM.

Mr. Currier stated that there have been several incidents recently concerning the employ of Alice Poirier, a CETA Clerk in the Selectmen's Office - letters on the corres. sum. have been in the wrong order, memos have been not mailed out in time, etc. Mr. Currier suggested that Roberta Livingston, the full-time CETA Clerk for the CETA Coord., be transferred to the Selectmen's Office and Mrs. Poirier, full-time CETA Clerk for the Sel. Office, be transferred to the CETA Coord. As Mrs. Haines was not present, Miss Towle advised Mr. Currier that she felt that Mrs. Haines had some reservations about this transfer, as she felt that the CETA Coord. needed a qualified clerk to handle his office responsibilities also. Mr. Currier stated that he spoke to Mrs. Haines last week and informed her that he was prepared to bring up this subject at the next Work Session of the Board, as he did not think that he would be able to attend this evening's Selectmen's meeting. On a motion by Mr. Hart, seconded by Mr. Lovering, it was unan. voted to transfer Alice Poirier to the CETA Office, as full-time clerk; and transfer Roberta Livingston to the Selectmen's Office, as full-time clerk, provided that Mrs. Haines supports these transfers.

Mr. Hart stated that last Monday he saw Robert Sheridan, Town Hall Custodian and Kenneth Carney, Town Planner chatting at 3:30 PM in Vinal Square - Mr. Hart asked that the AA determine if Mr. Sheridan is supposed to be at work or at school at that time; and, if he is supposed to be at school, he asked that she determine why he was in Vinal Square at that time.

Mr. Shanahan stated that he has overheard CETA employees discussing trips to the Lowell CETA office, which was a subject which he addressed earlier this evening with the CETA Coord. Mr. Shanahan stated that it appears that when

Exec.Session re: CETA employees continued

CETA employees want to take an hour or so off from work, they use the excuse that they are going to the Lowell CETA Office - no one has any idea where they are or why they have gone, Mr. Shanahan added. He further stated that Jerry House's job description is one of the few job descriptions which is defined; however, he feels that Mr. House is not doing his job and he is not capable of administrating the program. A few weeks ago, Mr. Currier was asked to speak to several employees regarding their positions and duties, and Mr. House was one of the employees to whom Mr. Currier spoke. Mr. Currier informed him that the Bd. was not happy with his reports, or with the CETA Program, or with Mr. House's administration of same. Mr. Lovering stated that the CETA Coordinator's position should be one of a boss/foreman.

Return to Open Meeting

On a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to return to the Open Meeting. Roll Call Vote was as follows: Mr. Murphy-Aye; Mr. Shanahan-Aye; Mr. Lovering-Aye; Mr. Hart-Aye; Mr. Currier-Aye. The Exec.Session adjourned at 10:06PM.

For the Board of Selectmen, by

Bonita Towle

Exec.Session re: grievance of Paul Henderson,Fire Fighter

Executive Session of the Board of Selectmen held January 9, 1978, to discuss a grievance filed by Paul Henderson, Fire Fighter. Members present were: Mr. Currier; Mr. Murphy; Mr. Shanahan; Mr. Hart (arrived at 8:30 PM) and Mr. Lovering. Mrs. Haines, Adm. Asst. and Bonita Towle, Recording Clerk were present, as were Paul Henderson, James Spinney-Pres. of Fire Dept. Union and Chief Frederick Reid. The Exec. Session commenced at 8:16 PM.

Mr. Henderson presented the facts as he saw them as follows: On Nov. 11, 1977, Paul Henderson called in sick to work. Chief Reid telephoned his home and asked to speak with Mr. Henderson. Mr. Henderson had given strict instructions to his daughter that he was going to bed to get some rest and she was not to disturb him with any telephone calls. Chief Reid advised his daughter in a gruff manner that before her father could return to work he should get a Doctor's certificate. Mr. Henderson does not disagree with the Chief's right to ask for a Doctor's certificate, he objects to the manner in which his daughter was addressed by the Chief. He feels that she was treated in a very immature manner - she will be 18 years old in January, and he also feels that he was embarrassed in front of his daughter, in violation of Article 8, Page 10, Section D of the Contract. Since February of 1977, Mr. Henderson has used 14 sick days, Chief Reid explained, and he felt that it would be in the best interest of all parties concerned to obtain a Doctor's certificate. Chief Reid further explained that Nov. 11 was the first day of a holiday weekend, and it was the first day of a four day series of days off which Mr. Henderson was to take. Chief Reid instructed the switchboard operator to connect the Chief (in his office) to Mr. Henderson's home - the discussion with Mr. Henderson's daughter took place in the privacy of the Chief's office. When Chief Reid spoke with Mr. Henderson's daughter he was not sure of her age and he wanted to be sure that she gave her father the message. Chief Reid would not be in the Fire Dept. on Saturday or Sunday of the Nov. 11 weekend, and he wanted to be sure that Mr. Henderson received a Doctor's certificate before his return to work.

At 8:30 PM Sel. Hart joined the Executive Session in progress. Mr. Currier informed the Board that if they took no action on Mr. Henderson's grievance, it would, in effect, be denied. Capt. Spinney stated that usually when a Doctor's certificate is requested, the Capt. requests same from the man involved, and if the Capt. is not on duty, the Officer on Duty requests same, not the Chief. Mr. Henderson does not feel that the morale in the Fire Dept. is very good. The Board agreed to take no action on this grievance. On a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to adjourn the Exec.Session and return to the Open Meeting after a five-minute recess at 8:45PM. Roll Call vote was as follows: Mr.Murphy-Aye;Mr.Shanahan-Aye;Mr.Lovering-Aye; Mr. Hart-Aye; Mr. Currier-Aye.

Return to Open Meeting-adjourn Exec.Session

For the BOS, by

Bonita Towle

Exec.Session held Jan.23, 1978 to discuss payroll voucher for comp.time for B.Towle dated 6/20/75 and Retirement of N.Wellington

Executive Session of the Board of Selectmen held January 23, 1978, to discuss employees and charges against same. Members present were: Mr. Currier; Mr. Murphy; Mr. Shanahan and Mr. Hart. Mr. Lovering was not present for the this meeting. Mrs. Haines, Adm. Asst. and Bonita Towle, Recording Clerk were also present. The Exec. Session commenced at 8:41 PM.

Mr. Shanahan presented each Board Member with a copy of a memo received from Ernest Day, Town Accountant, regarding a payroll voucher dated June 20, 1975 regarding comp. time for the Selectmen's Secretary and Recording Clerk, Bonita Towle. The memo from Mr. Day was dated Jan. 23, 1978, and enclosed with the memo was copy of the voucher in question. Mr. Shanahan provided the Board with the following background regarding his request for this Exec. Session: Approx. 5-6 weeks ago, shortly after Robert Sheridan was terminated as Town Hall Custodian, Mr. Shanahan was approached in his law office by Mr. Sheridan regarding what Mr. Sheridan called was a problem he (Mr. Sheridan) had found in the Accounting Department stemming back some 2½ years ago. Mr. Shanahan stated that he assumes this is something Mr. Sheridan has known about for some time but because of his termination, Mr. Sheridan chose to bring it forward at this time with regard to a payroll voucher concerning Comp. Time for Bonita Towle dated June,1975. Mr. Sheridan indicated that he was concerned with it, and some people in the Acct. Dept. were concerned with it and would like Mr. Shanahan to look into the matter. As a result of this, Mr. Shanahan mentioned it to Mr. Currier. Mr. Shanahan reviewed the minutes of Selectmen's Meetings and found that at that time there was no formal vote with regard to the action taken. Mr. Currier had a recollection of the situation and Mr. Currier did not recall anything irregular transpiring. Mr. Shanahan mentioned it to Mrs. Haines - she informed him that she recalled that a memo was signed by the Bd. or by a majority of the Board allowing this procedure to take place. At that point Mr. Shanahan informed Mr. Currier & Mrs. Haines that he had investigated the matter as much as he cared to and was satisfied with the results of his investigation. Shortly after Mr. Sheridan took out nomination papers for the position of Selectmen in the upcoming election, it was mentioned again to Mr. Shanahan by at least one other person, who asked if there were any results of looking into it. Because of that, Mr. Shanahan again discussed the matter with Mr. Currier, and it was their joint opinion that rather than create an appearance that they were not looking into it, or that only two people on the Board knew what was going on, they would, for Mrs. Haines', Miss Towle's, and the Selectmen's Departments' sake, confront the Board and get a feeling as to what the recollection of the Board Members was regarding this matter. Mr. Shanahan mentioned it to Mr. Day, Town Accountant, because it was something Mr. Sheridan brought to his attention, and Mr. Shanahan did not want to leave the problem with Mr. Day, as it was something with which Mr. Day had looked into and had no recourse. Mr. Shanahan stated that it is obvious from reading Mr. Day's memo that there was some deviation from the Town by-law and the Town policy. Mr. Shanahan has two concerns: 1) we should clear up the matter once and for all; and 2) because of the new Town Hall Employees' Union, we would not want this to come back and haunt us at a later date. Mr. Shanahan said that while he was not on the Board at the time to which we are referring, he felt it was appropriate for him to bring the matter before the Board for clarification. Mr. Shanahan stated that he is not bringing the matter forward with any accusation of any wrongdoing - his intent is to clarify the policy and get if settled. Mr. Currier stated that when Miss Towle left her employ in the Selectmen's Office at that time, she resigned from the Dept. Mr. Currier recalled that when the Board met, in a budget session (he was not certain at which type of a meeting this discussion took place)the Board discussed Miss Towle's comp. time. It was charged against Sick Days, but it was, in fact, Comp. Time. It seems to Mr. Currier that the Board met with Mrs.Haines and talked about Miss Towle's overtime. This year we put money in the budget for overtime - we were giving Miss Towle Comp. Time and she had accumulated

17 1/3 days Comp. Time - Mr. Currier recollected that at that time what the Board did was pay off the Comp. Time,& to his knowledge nothing wrong was done - the point is that a question was raised and the Board has an obligation to research it and present an answer on it, in order that it will not appear to anyone that the Board is trying to cover up anything. Mr. Currier stated that the Board must consider how to answer the question - should Mr. Sheridan be called in to a Sel. Mtg. and advised of the results of the investigation? Mr. Shanahan stated that from the manner in which it was presented to him by Mr.Sheridan, Mr. Shanahan stated that MrSheridan didn't come before him in a manner in which Mr. Shanahan would consider a credible manner, whereby he would either come before the Board as a whole orally or approach the Board in writing to request an investigation) he, quite frankly,approached Mr. Shanahan in his law office in a situation where initially Mr. Sheridan requested that Mr. Shanahan not inform anyone where the inquiry came from, and it was quite obvious from anyone to whom Mr. Shanahan spoke where it came from. Mr. Shanahan responded to Mr. Sheridan that he had personally investigated it, as Mr. Sheridan had asked him to, and it was Mr. Shanahan's feeling that he personally was satisfied that nothing of a wrongful nature was done and Mr. Shanahan dropped it at that. Mr. Shanahan stated that his only concern is that the matter be resolved once and for all. Mr. Shanahan said that if there is a violation of the bylaw, it's de minimis and he is not making any accusations - he would like the Board, during Executive Session, to recognize that on that occasion, there was a payment made that may be contrary to that particular bylaw and we should express relative care in the future that it does not happen again. Mr. Currier stated that Arnaud Blackadar, the former Town Accountant, was very particular about signing warrants- if he did not feel that a certain employee or firm should be paid, he would inform the Board of same. Mr. Currier stated that he feels that the Board operates under the premise that as far as bylaw violations are concerned, the Town Acct. will advise the Board if he has any concerns. Mrs. Haines stated that she had discussed this voucher with Mr. Blackadar prior to the preparation of same to see if he would have any problems with it. Mr. Currier stated that he feels that the Board did the fair and right thing, which was to pay Miss Towle for the overtime she worked. Miss Towle couldn't take the Comp. Time as this would have presented a problem in the office - the office would have been short of help. This year the Administrative Assistant came before our Board requesting overtime, rather than Comp. Time, for Miss Towle, which we agreed to. Mrs. Haines stated that the problem is that Mr. Sheridan never went around the Town Hall telling people that he got paid for his sick-time. The Board agreed to notify the Town Accountant that a question has been raised with regard to a certain voucher dated June 20, 1975 - the Selectmen have reviewed it and discussed the matter in Executive Session, during which time they agreed to inform Mr. Day that such is not the policy of the Board of Selectmen and we will request that he will not approve any such action in the future. If there has been an error in the past, the Board hopes that it will not re-occur in the future. Mr. Shanahan stated that he wants to make it clear to Mrs. Haines and Miss Towle that by no means was this matter an accusation from Mr. Shanahan. Mr. Shanahan asked the Adm. Asst. to inform Mr. Lovering of the results of the discussion at this Exec.Session- he also asked that the memo he provided earlier to the Board Members be kept in confidence.

Discussion re: M.Wellington's Retirement

At this point in the Exec. Session, Mrs. Haines asked the Board if they wished to take any action relative to Norman Wellington's Request before the Middlesex County Advisory Board for Retirement.Mr. Hart suggested that we hire someone to follow Mr. Wellington and see what he is doing-i.e. if he is working on his tree business while indicating that he can no longer work on the Police Dept. due to the injury he sustained to his back while on duty. Mr. Currier suggested that the State Police might be able to follow Mr. Wellington. A panel of three Doctors have said that he is disabled. Mr. Murphy stated that just because the Doctor does not practice in this State, that is no reason to throw out our case or his report. The Retirement Board has held on approving the

72% retirement. Selectman Hart suggested that the Board should not challenge Mr. Wellington's retirement at this time, but rather hire a Private Investigator, or State Policeman, or someone from the District Attorney's Office, to study what Norman Wellington is doing after he is awarded his retirement, after having been released from the Police Department and is collecting, and we may be able to get verified information that he is actually doing work which he is not supposed to be capable of doing. Mrs. Haines stated that a retirement may be reviewed yearly. Mr. Hart stated that it would be imperative that Mr. Wellington is not aware, in the least, that he is being investigated. The evidence may be strong enough to have him lose his retirement, but yet, we would not be required to bring him back on the Police Dept. if he so desired. Mr. Hart stated that he will not go along with giving Mr. Wellington his retirement unless we have a private investigator investigating his activities. Mr. Hart suggested that we hold on approval of this retirement for a few weeks, until we come up with some way of developing this investigation and then we will have an approved investigator proceed-we can discuss this with whomever we deem necessary - the investigation would be 6-12 months away. We could ask the FinComm to let us put some sum of money into our budget in the Miscellaneous Line Item and inform them that we may have to use the funds to investigate a Police Officer in the future. Mr. Shanahan suggested that because this is a very rare situation, we may be able to hire a reputable Private Investigator to handle the investigation at no cost to the Town, on the idea that if he does a good job this time, he may be requested to cover further investigations for the Town in the future. The Board agreed to notify the Middlesex County Retirement Board that at this time, the Selectmen do not feel that there is ample evidence to challenge the retirement of Norman Wellington.

Discussion in Exec.Session re N.Wellington's retirement

On a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to return to the Open Meeting at 9:14 PM. Roll Call Vote was as follows: Mr. Murphy-Aye; Mr. Shanahan-Aye; Mr. Hart-Aye; Mr. Currier-Aye. The Exec.Session adjourned at 9:13 PM.

Return to Open Meeting

For the Board of Selectmen, by

Bonita Towle

Executive Session of the Board of Selectmen held January 30, 1978 to discuss the reputation and character, physical condition or mental health, rather than the professional competence of a single individual as a result of a letter presented to Sel. Currier on Jan. 29 dealing with the experience of Wesley Owen, Manager of the Fiske House, Inc., and more importantly, to discuss the letter, as it was presented to Mr. Currier by Mr. Edward Krasnecki. Members present were: Mr. Currier; Mr. Murphy; Mr. Shanahan; Mr. Lovering and Mr. Hart. Mrs. Haines, Administrative Assistant was also present, as was Bonita Towle, Recording Clerk. The Executive Session commenced at 10:15PM. Mr. Shanahan participated in this discussion regarding a letter concerning the experience of the Manager of the Fiske House, Inc., as the Exec.Session is to discuss the reputation and character of the manager, rather than the Liquor License itself. Mr. Krasnecki spoke with Mr. Shanahan on Jan. 29 and was concerned with the credibility of his Newspaper, The Chelmsford Newsweekly, to whom the letter was addressed. Mr. Shanahan stated that in his conversation with Mr. Krasnecki, Mr. Krasnecki, Editor of the Chelmsford Newsweekly informed him that he wanted the letter kept in strict confidence. Mr. Currier stated that he saw Mr. Krasnecki on the evening of Jan. 28, at which time Mr. Krasnecki informed Mr. Currier that he had received a letter of great interest to the Town and the Board of Selectmen, revealing many things about a license which the Board issued recently, as well as the character of persons involved in that license. Mr. Currier suggested that Mr. Krasnecki send the letter to the Board of Selectmen-Mr. Krasnecki stated that he did not want to do that, as it was sent to Mr. Krasnecki and Mr. Krasnecki wanted to keep it confiden-

Exec.Session Jan. 30, 1978 re:letter re: Fiske House, Inc. Manager

Exec.Session re: letter re:Fiske House, Inc., Manager continued

tial. Mr. Currier then informed him that Mr. Currier would have no part of that. Mr. Krasnecki then asked Mr. Currier if Mr. Krasnecki could hand Mr. Currier a copy of the letter, and Mr. Currier agreed. The letter dealt with the experience in the restaurant industry of Mr. Wesley Owen, Manager of the Fiske House, Inc. Mr. Currier thought that there was a resume on file in the Sel. Office of Mr. Owen's background. Mr. Currier said that if there is one on file, it is a public record and Mr. Currier and Mr. Krasnecki proceeded to look for same in the Sel. Office on Jan. 29. Mr. Murphy arrived at the Sel. Office on Jan. 29 while Mr. Krasnecki and Mr. Currier were here. Mr. Shanahan reiterated his position as to why he felt the letter should be discussed in Exec.Session-Mr. Shanahan was informed by Mr. Krasnecki that the letter should be kept in strict confidentiality, and Mr. Shanahan was not certain as to whether or not Mr. Currier had also been approached by Mr. Krasnecki - therefore, he felt that it would be best to bring it to the attention of the Board in Exec.Session. When Mr. Currier and Mr. Krasnecki were in the Sel. Office on the afternoon of Jan. 29, the letter was shown to Mr. Murphy when he arrived at the office, at that time Mr. Krasnecki stated that Mr. Krasnecki would prefer to have the Board of Selectmen deal with it, and Mr. Krasnecki would report on how the BOS dealt with it. Mr. Currier stated that Mr. Krasnecki let Mr. Currier read the original letter, and then placed same in his pocket after Mr. Currier read it.Mr. Krasnecki then let Mr. Murphy read the original letter-Mr. Krasnecki then said to Mr.Currier & Mr.Murphy that Mr.Krasnecki wanted to give the letter to the Board-Mr.Currier then said that Mr.Currier would make copies of the letter for the Board members. Mr. Lovering asked Mr.Currier to confirm the fact that Mr. Krasnecki definitely expressed a positive desire to give copies of the letter from Mr. Brown, Pres. of the Blue Strawberry, to the Board of Selectmen-Mr. Currier confirmed this. Mr. Shanahan informed the Board that at the time when Mr. Shanahan went to the Newsweekly to pay the bill for the Heart Fund Ball ad, Mr. Krasnecki asked to speak to Mr. Shanahan. At that time, Mr. Krasnecki informed Mr. Shanahan of the letter - Mr. Shanahan informed Mr. Krasnecki that he should advise Mr. Krasnecki that the Board members have a copy of the letter in their mailboxes with no indication of confidentiality. Mr. Krasnecki stated that Mr. Krasnecki would prefer that the letter be kept in confidence. Mr. Shanahan then asked Mr. Krasnecki if Mr. Krasnecki would like Mr. Shanahan to have Mrs. Haines, Adm. Asst., indicate that the letter is confidential and Mr.Krasnecki said he would like that, if Mr.Shanahan had a chance to do so. Mr.Shanahan stopped in the Sel. Office while the Adm.Asst. was on her lunch hour,and Mr. Shanahan did not get back to her during the day by telephone. Mr.Lovering stated that the law says that when a piece of paper is transferred, the confidentiality of it has to be established at the time of the transfer, not subsequent to same. Mr. Murphy's impression is that Mr. Krasnecki wanted the Board to have access to the knowledge of the letter; however, Mr.Krasnecki did not want to print the letter in its entirety himself. Mrs. Haines informed the Bd. that Attorney James Geary called the office on the afternoon of Jan. 30 and he is aware of the letter - the Adm. Asst. informed Atty. Geary that the AA is not aware of the letter and therefore, the AA could not discuss it with Atty. Geary. Atty. Geary informed the AA that Atty. Geary would send over a resume to the Sel. Office of Mr. Owen. Mr. Lovering moved that the Board adjourn the Exec.Session and return to the Open Meeting - Mr. Murphy seconded the motion-under discussion, Mr. Shanahan stated that with regard to Atty. Geary being aware of the letter, Mr. Krasnecki indicated to Mr. Shanahan that Mr.Krasnecki felt, that as Atty. Geary is Counsel for the Fiske House, Inc., Atty. Geary should be made aware of the letter - Mr. Shanahan telephoned Atty. Geary and asked him if Atty.Geary had seen the letter. Atty. Geary stated that Atty.Geary had seen the letter and information dealing with the letter was presented to Atty. Geary by another member of the Board of Selectmen. Mr. Currier informed the Board that on Jan. 28, Atty.Geary advised Mr. Currier that the Sel. Office would be receiving a letter from the Blue Strawberry, and Mr. Currier told Atty. Geary that the BOS had received the letter. Atty. Geary suggested that the Board should be very careful not to say anything slanderous about the letter-Mr.Currier informed

Atty. Geary that the Board would say nothing more or less than what was in the letter. Vote on Mr. Lovering's motion, seconded by Mr. Murphy, to return to the Open Meeting and adjourn the Exec. Session was unan. voted: Roll Call vote was as follows: Mr. Murphy-Aye; Mr. Shanahan-Aye; Mr. Lovering-Aye; Mr. Hart-Aye; Mr. Currier-Aye. The Executive Session adjourned at 10:25 PM.

Exec.Session re: letter re: Fiske House Mgr. continued

Exec.Session Adjourned

For the Board of Selectmen, by
Bonita Towle

Executive Session of the Board of Selectmen held January 30, 1978, to discuss a grievance submitted by Russell Linstad, President of the Police Dept.Union on preference and change of shifts. Members Present were: Mr. Currier; Mr. Murphy; Mr. Shanahan; Mr. Lovering and Mr. Hart. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. The Exec.Session commenced at 10:46 PM.

Exec.Session 1/30/78 re:Police Dept. grievance

The grievance is as follows: Violation of Local 341 contract with the Town of Chelmsford, Article IX (Seniority) section b., in reference to preference and change of shifts. I submitted a written grievance to Chief Germann, 1-9-78, and received his denial 1-18-78. I now submit this grievance to the Board of Selectmen and hope that they will honor the contract as was bargained and signed in good faith, and without trickery of words, July '77. Russell H. Linstad (signed) 1-20-78 (sic). Mr. Currier stated that when the Board met with Chief Germann at his budget session on Saturday, Chief Germann was faced with some problems - number of men BOS would endorse in the Police Dept. budget (39 or 43) - and are the BOS planning to reinstitute the 1-9 shift. It would be very difficult for the Chief to bid the 8-4 shift if we are going back to the 1-9 shift. Mr. Lovering stated that we, in all probability, will approve the 39 men and 1 man cars and reinstitute the 1-9 shift. On a motion by Mr. Hart, seconded by Mr. Murphy, it was unan. voted to deny the grievance. On a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to return to the open meeting and adjourn the Exec.Session. The Exec. Session was adjourned at 10:54 PM.

Exec.Session Adjourned

For the Board of Selectmen, by
Bonita Towle

Exec. Session of the Board of Selectmen held Feb. 21, 1978 to discuss two grievances under the Police Dept. Contract, one submitted by Officer Linstad and the other submitted by Officer Trudel. Members present were: Mr. Currier; Mr. Murphy; Mr. Shanahan and Mr. Hart. Mr. Lovering was out of Town on business and was not present. Evelyn Haines, Adm. Asst. was also present, as was Bonita Towle, Recording Clerk. The Exec. Session commenced at 8:55 PM.

Exec.Session re: two Police Dept. grievances

Officer Linstad's grievance was in regards to violation of Local 341 contract-dated Feb.17. Art. XXIX para. 5 - replacing a man out injured for a maximum of thirty days. After discussion, on a motion by Mr. Hart, seconded by Mr. Shanahan, it was unan. voted to support the Chief's denial of the grievance under this matter. The Bd. agreed to ask the Chief to inform them how many men were working on the evening in question (Feb. 5) and who the men were.

The Board then discussed grievance from Officer Robert Trudel, dated Feb. 13 regarding violations of outside details and other untimely filed complaints of Officer Trudel dated Jan. 3, Jan. 5 and Jan. 8. After discussion, on a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to support the Chief's denial of the grievance. On a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to ask Chief Germann to incorporate, in our procedures, any changes in procedure, and so inform the Board that they will be incorporated in the Dept's. procedures.

Mr. Currier informed the Bd. that he has been made aware that the Police Union is planning to file an unfair labor practice complaint on the bidding of shifts.

Exec.Session Adjourned-Return to Open Meeting

On a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to adjourn the Exec. Session and return to the open meeting - Roll Call vote was as follows: Mr. Murphy-Aye; Mr. Shanahan-Aye; Mr. Hart-Aye; Mr. Currier-Aye. The Exec. Session was adjourned at 9:10 PM.

For the Board of Selectmen, by

Bonita Towle

Exec. Session re: Real Property (MCTS land)

Executive Session held March 6, 1978, regarding Real Property. Members present were: Mr. Currier; Mr. Murphy; Mr. Shanahan; Mr. Lovering and Mr. Hart. Mrs. Haines, Adm. Asst., was also present as was Bonita Towle, Recording Clerk. Mr. Currier, Chairman, called the Exec. Session to order at 9:30 PM.

Mr. Shanahan, as the Board's rep. on the Task Force re: future use of the Middlesex County Training School Property, had requested the Exec. Session to obtain some input from the Board as to their feelings re: interest of the Town of Chelmsford in purchasing the property. The Task Force will meet this week and Mr. Shanahan will speak at same on behalf of the Board. Mr. Shanahan made a brief presentation to the Board regarding the acreage of the property and the age of the bldgs. thereon, etc. Mr. Shanahan had stated in the Open Meeting that the Housing Authority may be interested in some portion of the property and he will contact them to receive their input. The Board agreed to instruct Mr. Shanahan to state at the Task Force Meeting that the Board is very interested in the property and sale of same. Mr. Shanahan stated that the Town could take the portion of the property it is interested in, and because of the zoning, could sell parcels of land for the restricted use. The zoning in that area is single residence, which would be subject to change at Town Meeting. Mr. Hart feels that re: projects with which the Board is involved, the Board is not interested in the property; but the Town of Chelmsford could possibly use some of these bldgs. Mr. Shanahan informed the Bd. that there are at least three different local coalitions of people who think they could make some money on this property-he asked if it is possible for the Town to become associated with a group of developers in Town who might be interested in a joint venture, whereby we would take what we want and work it out from there - the Board will think about this concept.

Exec.Session Adjourned Return to Open Meeting

On a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to adjourn the Exec. Session and return to the Open Meeting at 9:46 PM. Roll Call vote was as follows: Mr. Murphy-Aye; Mr. Shanahan-Aye; Mr. Lovering-Aye; Mr. Hart-Aye; Mr. Currier-Aye.

For the Board of Selectmen, by

Bonita Towle

Exec.Session 3/13/78 re: letter from Police Union to residents in local paper

Executive Session of the Chelmsford Board of Selectmen held March 13, 1978 to discuss matters dealing with strategy as it pertains to collective bargaining or litigation and contracts. Members present were: Mr. Currier; Mr. Murphy; Mr. Shanahan; Mr. Lovering and Mr. Hart. Mrs. Haines, Adm. Asst.,was also present, as was Bonita Towle, Recording Clerk. The Exec. Session commenced at 9:16 PM.

In response to an open letter in the March 2, 1978 Chelmsford Newsweekly by the members of Police Union Local 341, the Board had forwarded a speed memo to Robert Crowe, Esquire, Labor Relations Advisor requesting that he inform the Board in writing as to whether or not the article contained any violations of the contract, and if so, asking what type of action the Board should take in response to same. Mr. Currier informed the Bd. that we are in receipt of a letter dated March 7 which Atty. Crowe stated should be read in Exec.Session as it deals with collective bargaining strategy. All members have a copy of the letter and Atty. Crowe feels that "the Union has committed a prohibited practice and that the Labor Relations Commission would probably agree and issue a complaint in this matter, under Section 10 (b) (1) and 10 (b) (2) under Chapter 150E."

Exec.Session re: letter from Police Union to residents in local paper

Atty. Crowe went on to say in his letter that he "feels that the Union is in violation of their contract - if they feel they are aggrieved in any way, they have a right to pursue it through the grievance procedure, which they are doing in some of the areas mentioned in the letter. By pursuing their grievance through the press, they are violating the spirit of the collective bargaining agreement." On a motion by Mr. Lovering, seconded by Mr. Shanahan, it was unan. voted to instruct Atty. Robert Crowe to file a Prohibited Labor Practice with the Labor Relations Commission under the above-mentioned sections & chapter. The Board agreed to have a Press Release prepared which would outline the above action, worded by Atty. Crowe, which could be released the day that the papers are served-the AA will be charged with distributing it that day. Mr. Shanahan indicated that in a letter received from David Downes, Counsel for the IBPO, James Harrington was mentioned as the Town's Counsel in this regard - we will inform him that Atty. Robert Crowe, of the firm of Murphy, Lamere & Murphy is our Labor Relations Advisor in these matters.The Board agreed to forward the letter from Atty. Downes to our Labor Rel. Adv. for his review. On a motion by Mr. Shanahan, seconded by Mr. Murphy, it was unan. voted to inform the IBPO that Atty. Robert Crowe of Murphy, Lamere & Murphy is our Labor Relations Advisor in this regard and not Atty. James Harrington, our Town Counsel. The Board agreed that no public statement would be made to the Press re: this Executive Session.

Adjourn Exec. Session & return to Open Mtg.

On a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to adjourn the Exec. Session. Roll Call vote was as follows: Mr. Murphy-Aye; Mr. Shanahan-Aye; Mr. Lovering-Aye; Mr. Hart-Aye; Mr. Currier-Aye. The Bd. adjourned the Exec. Session at 9:25 PM and returned to the Open Meeting.

For the Board of Selectmen, by

Bonita Towle

Exec.Session 3/20/78 re: Town Hall Employees Union requests

The Board met in Executive Session on March 20, 1978, to discuss negotiations & contract for Town Hall Employees Union. Members present were: Mr.Currier; Mr. Murphy; Mr. Shanahan; Mr. Lovering and Mr. Hart. Mrs. Haines, Adm.Asst. was also present, as was Bonita Towle, Recording Clerk. At 7:06 PM the Bd. met in Exec.Session with Atty. Kathy Hesse, of the Labor Relations Firm of Murphy, Lamere & Murphy.Atty.Hesse was very happy with the Fact Finder's report re: Fire Dept.

Atty. Hesse pointed out that Atty. Robert Crowe would meet with the BOS on March 21 to discuss Prohibited Practice re: Manning in Fire Dept.

Vote on Good Friday

Atty. Hesse discussed items included in the Town Hall Union Contract Request. She will check on length of time for the first contract - Sel.Lovering said it may be beneficial to have all Town contracts in some type of parity. The Bd. agreed to stay with their previous amount for increase at 4%; no longevity; no 20% buy back for sick days; the Bd. agreed that employees who do not wish to join the Union should not be forced to pay the fee; Mr.Lovering stated that he feels that the Town Hall Union Contract should be along the same lines as the Hghy.Dept. Contract re: holidays, sick days, etc. Mr.Shanahan was officially appd. as the Board's Liason for the the THU, and he would like to be advised of the mtgs. Re: Good Friday, on a motion by Mr. Shanahan, seconded by Mr. Murphy, it was unan. voted that all Town Depts. will work all day on Good Friday, March 24, 1978. The AA informed the Bd. that last year the Hghy. Union filed a Grievance on working on Good Friday and won; now they have no contract-the Bd. will discuss same with Atty.Crowe on March 21. Re:bereavement, there is a discrepancy in the statement re: siblings in the HD contract which states 3 days for spouse, children, parents, ~~grandparents~~ siblings; and 1 day for sister, brother, in-laws - this statement is incorrect and Atty.Hesse will look into same; under the law employers are required to give 8 weeks maternity leave without pay; re: severe weather conditions Sections 7 & 8,Article 13, the BOS will decide on weather or not the bldg. will be open for business, and if employees will be required to work during severe weather conditions;

re: Town Hall Union

re:mechanical failures in heating system of bldg., the Bd. will determine from the Bd. of Health the temperature at which employees should not be required to work, (60°, etc) before the Bd. takes a stand on this item, also considering the fact that the Town Hall may move to the McFarlin School. Atty. Hesse will get back to the Board and if the Bd. Members have any additional comments, they can forward them to her at her office. She will meet with the THU Rep. within the next two weeks.

Exec.Session Adjourned Return to Open Meeting

On a motion by Mr. Murphy, seconded by Mr. Shanahan, it was unan. voted to adjourn the Exec. Session and return to the Open Meeting at 7:35 PM - Roll Call Vote was as follows: Mr. Murphy-Aye; Mr. Shanahan-Aye; Mr. Lovering-Aye; Mr. Hart-Aye; Mr. Currier-Aye. At the beginning of the meeting Mr.Murphy suggested that the meeting notice should have been posted for 7PM, rather than 7:30PM.

For the Board of Selectmen, by

Bonita Towle

Exec.Session held 4/10/78 re: Fire Dept. Negotiations and Purchase of Property re:Cons. Comm.

Executive Session of the Board of Selectmen held April 10, 1978 to discuss matters relating to Fire Department Collective Bargaining and purchase of property as it relates to the Conservation Commission. Members present were: Mr. Murphy; Mr. Shanahan and Mr. Lovering. Mr. Carson was out of Town on vacation and Mr. Hart was ill. Mrs. Haines, Adm. Asst.,was also present, as was Bonita Towle, Recording Clerk. The Exec. Session commenced at 9:34 PM. Robert Crowe, the Town's Labor Relations Advisor from the firm of Murphy, Lamere & Murphy informed the Board that they could accept the Memorandum of Understanding minus the request to delete the manning.

Mr. Murphy stated that the basic question is-does it make sense to uphold our desire to have the min. manning deleted from the contract. At the meeting held last week, there was an understanding that if min. manning is left in the contract, the Firefighters are willing to sign. Atty. Crowe stated that the Fact Finder urges the Board to accept the Memorandum of Understanding and not force the Union at this time to delete min. manning from the contract. Furthermore, if we stick to our position re: min. manning, the Union will go to last best offer. Atty. Crowe stated that we have a company strength article which states that we have to keep the total number of men divided by four on each shift - it doesn't tell us what the total number of men has to be.

On a motion by Mr. Lovering, seconded by Mr. Shanahan, it was unan. voted to endorse Atty.Crowe's recommendation to adopt & accept the Fact Finder's recommendation-both parties will go back to the memorandum which they feel is a good settlement - minimum manning will be left in the agreement. The AA will contact Sel. Hart on April 11 and ask his disposition on same, as a courtesy to him. Atty. for the Union, Normand D'Amour, will contact Atty. Crowe in Norwood on April 11.

Atty. Crowe informed the Board that re: hearing on letter in local paper from Pres. of Police Union will not have to be attended by any Board Members - Atty. Crowe will advise the Board of the outcome of same.

The Board then addressed a letter forwarded to Mr. Murphy on this date from the Conservation Commission re: acquisition of land - the ConsComm met with the FinComm last Thursday to address this topic. The property in question is going up for public auction - the ConsComm wanted to touch base with the BOS & Fin Comm prior to using any Town Cons.Funds for this land.Due to time constraints, there is no time for a warrant article. The land in question is in the area of Robin Hill - there are approx. 8 acres of land and cost estimate for same is from $7,000 - $10,000. A plan was offered for the Board's review-there are 3 parcels of land involved. On a motion by Mr. Shanahan, seconded

by Mr. Lovering, it was unan. voted to endorse the plan to purchase the property in question, and forward same to the ConsComm in order that they may forward plan to FinComm for their review & disposition. The ConsComm has the necessary 20% cash ready by the first week in May.

Discussion re: land for Cons. Comm.

On a motion by Mr. Shanahan, seconded by Mr. Lovering, it was unan. voted to adjourn the Executive Session at 9:55 PM, and return to the Open Meeting. Roll Call Vote was as follows: Mr. Murphy-Aye; Mr. Shanahan-Aye; Mr.Lovering-Aye.

Exec.Session Adjourned-Return to Open Meeting

For the Board of Selectmen, by

Bonita Towle

Executive Session of the Board of Selectmen held April 18, 1978. Members present were: Mr. Murphy; Mr. Shanahan; Mr. Carson and Mr. Lovering. Mr.Hart was ill and was not present. Mrs. Haines, Adm. Asst., and Bonita Towle,Recording Clerk were also present. Mr. Murphy commenced the Exec. Session at 10:51 PM to discuss charges or dismissal of an employee and sale of property by the Town.

Exec.Session 4/18/78 re: complaints re: employee & sale of property

Mr.Lovering explained to the Board the reason he wished to adjourn to Exec. Session - he felt that as a result of an earlier mtg. this evening with the Dept. of Public Works Study Committee, ramifications of the result of the consultant's report could have an effect on the employment of Louis Rondeau, Supt. of Streets - as consideration of 'complaints' comes under the Exec.Session regulations, Mr. Lovering felt that Mr. Rondeau and his position could be discussed in Exec. Session. Mr.Shanahan stated that he is concerned that in most cases, the word 'complaints' is used in connection with a person's performance or non-performance of his job - Mr. Murphy agreed with Mr. Shanahan, as did other Board Members, therefore, further discussion on this topic was discontinued.

The Board then discussed a Press Release which Mr. Lovering provided to each member re: purchase of Emerson land by Dr. L. Rodger Currie, copy of which is recorded in the minutes of the Open Meeting of this evening. The land will be sold for a total of $120,775 - initially the Town purchased the land for $100,000 through Town Meeting. Mr. Lovering provided Bd. members with corres. indicating prices relating to Wall Street-Certificate of Deposit. The Statute has been satisfied in terms of two appraisals; we beat our investment by 1 point, and we believe that Dr. Currie's offer is the best option for the Town. Mr. Shanahan had been approached by an individual who was interested in determining how the Town decided to accept Dr. Currie's proposal - was it bid, etc. Mr. Lovering stated that the law requires two appraisals-we received them; the Board was not satisfied with the price of the appraisals and decided to get a price greater than our best investment opportunity-we think $120,775 is a fair price, coupled with the fact that we feel we have chosen a developer who has an excellent record in the Town which makes sense for the Center area, and we are happy with the quality of the project as well as the price. Mr. Shanahan stated for the record that he is a tenant in proximity to the Emerson land and he does not consider this to be any type of legal conflict of interest. On a motion by Mr. Lovering, seconded by Mr. Carson, it was unan.voted to issue the Press Release and go on record in favor of the sale at TM.

On a motion by Mr. Shanahan, seconded by Mr.Carson, it was unan. voted to adjourn the Exec.Session at 11:05PM and return to the Open Meeting-Roll Call Vote was as follows: Mr.Shanahan-Aye;Mr.Carson-Aye;Mr.Lovering-Aye;Mr.Murphy-Aye.

Exec.Session Adjourned-Return to Open Mtg.

For the Board of Selectmen, by

Bonita Towle

Exec.Session 4/25/78 re: Collective Bargaining & Litigation

Executive Session of the Board of Selectmen held April 25, 1978 to discuss items concerning collective bargaining & litigation. Members present were: Mr. Murphy; Mr. Shanahan; Mr. Carson; Mr. Lovering and Mr. Hart. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. Mr. Murphy called the Exec. Session to order at 9:14 PM.

Mr. Murphy stated that the wording of the Senority Clause of the Police contract was requested to be changed slightly by Sel. Carson - the Union has not formally ratified it and the Town had some additional comments. Mr. Carson stated that he feels that the wording should be changed as follows: Senority-Article IX-last line: "The new schedule is to go into effect on July 1 for the said succeeding fiscal year and is to be posted on the Union Bulletin Board by the Chief or his representative by June 1 of each year"- this was so voted on a motion by Mr. Carson, seconded by Mr. Shanahan, unan. voted by the Board, as indicated above - we will inform Murphy, Lamere & Murphy of this change prior to any final wording being submitted - this should be approved by the Union Counsel as well.

The Board then addressed a grievance received by Russell Linstad, Pres. of the Police Union, received on April 20 in the Sel. Office as follows: Violation of Local 341 contract with the Town of Chelmsford, Article XXIX entitled sick leave,specifically paragraph three in regards to reimbursement of accumulated sick leave. Mr. Murphy read the grievance as follows: "I am submitting this grievance on behalf of Mrs. Elizabeth A. Campbell, former wife of the deceased Patrolman John P. Campbell, in regards to her not receiving money for the sick time that was earned by Officer Campbell. I feel that since John Campbell did not quit his job and that death is a form of retirement that Mrs. Campbell is due the retirement of accumulated sick leave." (sic). The AA informed the Bd. that Chief Germann did not receive a copy of this grievance for his review prior to same being forwarded to the Board - he informed the AA that he (Chief Germann) would like to file a Prohibited Practice charge against the Union for not following the proper grievance procedure. Atty. Crowe informed Mrs. Haines that a payment could be made to Mrs. Campbell; however, this would be setting a precedent and Atty. Crowe suggested that the contract and bylaws regarding same be changed, if the Board so desires. Mr.Shanahan stated for the record that he is representing the estate of John Campbell; however, to date, Mrs. Campbell has not taken any action against the Town for payment of sick leave. Mr.Shanahan will abstain from voting on this matter. Mr. Shanahan stated that the Town Hall Union is planning to include payment of accumulated sick time in their contract for retirement and death. On a motion by Mr. Carson, seconded by Mr. Lovering, it was voted four in favor, one abstention-Mr. Shanahan, to forward a letter to Patr. Linstad informing him that the grievance is not filed in compliance with the Union Contract and it is suggested that he follow the proper procedural steps and present same to Chief Germann - a carbon copy of this letter should be forwarded to Chief Germann. Mr. Carson suggested that in the future, the Board consider the subject of sick leave payment and some form of compensation in this regard.

The Board then addressed the subject of a letter received from Jack Smith, Mechanic for the Police and Fire Departments, in which Mr. Smith discusses several problems with both departments - the AA did not place this corres. on the summary, as she feels that it could best be discussed at a Work Session. The Board agreed to instruct the AA to meet with the Fire & Police Chiefs to discuss this matter; after this mtg., a Work Session will be scheduled with the Board of Selectmen, Mrs. Haines, Mr. Smith and the Police & Fire Chiefs - the AA will inform the Board of the date and time of the Work Session.

Adjourn Exec. Session - Return to Open Meeting

Mr. Shanahan stated that he would like to discuss personnel in the Recycling Office; however, as this topic does not come under one of the reasons for which the Board adjourned to Exec.Session,Mr.Shanahan moved that the Board adjourn the Exec.Session at 9:27PM-motion seconded by Mr. Carson, unan.voted by the Board on Roll Call Vote as follows:Mr.Shanahan-Aye;Mr.Carson-Aye;Mr.Lovering-Aye;Mr.Hart-Aye; Mr.Murphy-Aye. The Board returned to Open Meeting. For the Board of Selectmen,by

Bonita Towle

Exec.Session 4/25/78 re: physical condition or mental health of an individual

Executive Session of the Board of Selectmen held April 25, 1978 to discuss reputation and character, physical condition or mental health of a single individual. Members present were: Mr. Murphy; Mr. Shanahan; Mr. Carson; Mr. Lovering; and Mr. Hart. Mrs. Haines, Adm. Asst., was also present. Mr.Murphy commenced the Exec.Session at 9:29 PM. This exec. session was requested by Mr. Shanahan as a result of a letter forwarded to the Adm.Asst. from Rusty Carroll of the Recylcing Office in which Ms. Carroll indicated that she needs help in her office in answering the telephone calls re: Recycling Program, due to the fact that the Recycling Coordinator, Walter McNamara, is suffering from laryngitis and is unable to speak - Ms. Carroll also indicated that Mr.McNamara's physician would forward the AA a note regarding Mr. McNamara's condition. Mr. Shanahan stated that is concern is with the fact that for the past 1½ weeks, Mr. McNamara has not been able to talk to anyone and Mr. Shanahan was concerned as to whether or not Mr. McNamara could continue his position because of his health, or otherwise; Mr. Shanahan also is concerned with the situation in the Recycling Office between Mr. McNamara & Ms. Carroll - and the effect it is having on physical and/or mental health of those employees. Mr. Shanahan stated that on several occasions he has heard shouting between Mr. McNamara and Ms. Carroll. Mr. Lovering stated that around January, 1978, he concluded that both Mr. McNamara & Ms. Carroll could be a problem to the program, particularly Mr. McNamara - they are incompatible. Mr. Lovering feels that we are rapidly approaching the point of having to ask Mr. McNamara to resign. Mr. Lovering stated he feels that Ms. Carroll could perform an effective job if left alone as she is well-acquainted with the program. Mr.Lovering stated that he feels that Mr. McNamara's laryngitis could be psychosomatic,because it started when Mr.Lovering authorized Mr. McNamara to speak to two classes of children at the North School - Mr. McNamara had the Energy Coordinator make the presentation for him-this was when his problem started. Also, Mr.Lovering stated that the morning of the Youth For Recycling Day was quite chaotic and was almost a near disaster in view of the fact that Mr. McNamara had not completed the tasks assigned to him by Mr. Lovering at a Work Session the day before the Youth For Recycling Day. Mrs. Haines informed the Board that Ms. Carroll has to take all of the recycling calls herself, as Mr. McNamara cannot talk with his laryngitis. Mrs. Haines informed the Board that Mr. McNamara indicated to Miss Towle that he would be unable to speak for one month, as he had been to his physician and advised of same-Mrs. Haines asked Mr.McNamara to forward the Board, via his physician, a note explaining his illness. Mr.Lovering stated that on this date he was quite upset to find that Ms.Carroll was answering the telephone in the Selectmen's Office while Mrs. Haines and Miss Towle were out to lunch - Ms. Carroll had taken the Recycling Office phone off of the hook and Mr. Lovering stated that he had given orders that the phone was to be answered at all times during the most important, initial stages of the program. Mrs. Haines explained to Mr.Lovering that she had no car on April 25, and therefore asked Miss Towle to go out to lunch. They left at 1:05 (Mrs. Haines was in the Assessor's Office for approx. five minutes before leaving the Town Hall) and returned at 2:10 - Mrs. Haines was not aware that Mr. McNamara was absent and had left work, nor was she aware that Ms. Carroll had taken the phone off of the hook. Mrs. Haines further stated that Ms. Carroll could have stayed in her own office and answered the Selectmen's phone when it rang. Mr. Shanahan stated that he is concerned about the recycling program, and he personally feels that Mr. McNamara is blatantly incompetent. On a motion by Mr. Lovering, seconded by Mr. Shanahan, it was unan. voted to instruct the Adm.Asst. to contact the Lowell CETA Office for their advice in handling this matter - Mr.Lovering suggested that they should inform us of what steps they feel would be reasonable with regard to giving Mr. McNamara one month's notice of his termination in order that he could look for new employment. Mr. Lovering stated that he can justify this action in view of Mr. McNamara's performance since January. The Adm.Asst. will have an answer for the Board regarding her contacting Lowell CETA Office and will leave the Board a note on same - any action necessary could be ratified at the May 2 Selectmen's Meeting - the Board gave the Adm.Asst.

Adjourn the Exec.Session 4/25/78 continued Return to Open Meeting

all powers necessary to accomplish their objectives. On a motion by Mr. Shanahan, seconded by Mr. Carson, it was unan. voted to adjourn the Executive Session at 9:44PM and return to Open Meeting - Roll Call Vote was as follows: Mr. Shanahan-Aye; Mr. Carson-Aye; Mr. Lovering-Aye; Mr. Hart-Aye; Mr.Murphy-Aye.

For the Board of Selectmen, by

Bonita Towle

Exec.Session 5/9/78 re: Termination of an Employee & Collective Bargaining

Executive Session of the Chelmsford Board of Selectmen held May 9, 1978. Members present were: Mr. Murphy;Mr.Shanahan;Mr. Carson and Mr. Hart. Mr.Lovering was absent from the meeting due to a family commitment. Mrs. Haines,Adm. Asst., was also present,as was Bonita Towle, Recording Clerk. Mr. Murphy called the Exec. Session to order at 10:24 PM to discuss the reputation and character, physical condition or mental health of a single individual; and to discuss strategy as it relates to Collective Bargaining.

Termination of an Employee

Mrs. Haines informed the Bd. that she contacted the Lowell CETA Admin. re: Recycling Coordinator Walter McNamara, and the Town's termination of him. She informed the Bd. that she met with Mr. McNamara today at 11:45 AM and she informed him that the Sel. and she wished that he would terminate his employment within one month's time for the following reasons: 1)excessive absences; 2)lack of performance in compilation of required material for Recycling Day; 3)inability to make presentation to students at the North School for medical problem and 4) inability to answer questions regarding the recycling program on the telephone. Mr.McNamara indicated this morning that he had to go to the doctor today for high blood pressure. The AA stated that he has agreed to forward a letter of resignation within 30 days-he indicated that June 9 would be acceptable to him. Mr. Hart asked,if Mr. McNamara outlines his reason for leaving as ill health, what are our obligations towards this. Mr. Shanahan suggested that Mr. McNamara forward his letter or resignation within the next 3 days, in view of his problem with high blood pressure. Mr. Shanahan stated that we should have each employee have a physical before commencing work with the Town--the AA will check with CETA re: their policy for physicals, also, Mr. Hart suggested that the AA ask CETA, confidentially, where the responsibility lies in this type of instance. Mrs. Haines was advised by CETA that she must have a complete record of the reasons for termination of an employee; Mr.McNamara can request a hearing and if he is not eligible for unemployment, he informed Mrs. Haines that he will request a hearing. Mr.Carson suggested that when Mrs.Haines lists her reasons, we should list nothing of the physical nature, such as absenteeism,etc. Mr. Shanahan stated that you cannot fire an employee on the basis of illness. On a motion by Mr. Shanahan, seconded by Mr. Carson, it was unan. voted to inform Mr. McNamara that the Board is willing to accept his resignation, effective June 9, 1978, for the following reasons: 1) inability to discharge responsibilities as RECYCLING COORDINATOR for the Town of Chelmsford under the CETA Program; 2) lack of performance; 3) interpersonal relations; however, the Board further voted that if Mr. McNamara's resignation is not received by this date, he will be informed that his services with the community will be terminated effective May 23, 1978. Mr.Hart suggested that if he chooses to stay on the program until June 9, he should be stationed at the dump, or some location other than Town Hall, to finish his employment with the Town.

Collective Bargaining-Town Hall Union

The Board then addressed Collective Bargaining with regard to the Town Hall Union. Mr. Shanahan, as the Board's Rep. on the bargaining for the Union, stated that what the employees are really looking for is only one thing: raising of the Senior Clerk's salary to $9,300, as recommended by the Personnel Board for non-Union employees (Senior Clerks). There are 16 other Senior Clerks in Town Hall, besides Miss Towle, who is not in the Union, and who would receive $9,300; the Union employees would receive $8,600 and they are requesting equal payment to $9,300. Mr. Shanahan stated that he personally agrees with their

request. Atty. Hesse stated that she would recommend the length of the contract for a 3-year period-Sel. Shanahan recommended that the Board approve the annual salary for Senior Clerks at $9,300 and eliminate any and all changes requested by the Union, ie: personal days, etc., and try to have the contract run for a 3-year period as follows: first year:$9,300; second year:4% increase; third year:4% increase. Mr. Shanahan stated that he has heard a lot of talk that the Union will die out within six months, and if this is so, these employees would fall under the Personnel Board's recommendation anyway. The Board authorized Sel. Shanahan to negotiate their position as indicated above re: present rate of Personnel Board at $9,300; 4% for the second & third years of the 3-year contract; say no to all other demands.

Exec.Session re: Collective Bargaining continued

On a motion by Mr. Shanahan, seconded by Mr. Carson, it was unan. voted to adjourn the Exec.Session at 10:44 PM and return to the Open Meeting. Roll Call Vote was as follows: Mr. Shanahan-Aye; Mr. Carson-Aye; Mr. Hart-Aye; Mr. Murphy-Aye.

Executive Meeting Adjourned - Return to Open Meeting

For the Board of Selectmen, by

Bonita Towle

Executive Session of the Chelmsford Board of Selectmen held May 15, 1978 to discuss Collective Bargaining as it relates to the Town Hall Union & strategy of same. Members present were: Mr. Murphy; Mr. Shanahan; Mr. Lovering and Mr. Hart. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. Mr. Murphy, Chairman, called the meeting to order at 9:01PM. Mr.Carson was out of Town on business & was not present for this mtg.

Exec.Session 5/15/78 re: Collective Bargaining

On a motion by Mr. Shanahan, seconded by Mr. Lovering, it was unan. voted to bring the salary for the Custodian included in the Town Hall Union up to the guidelines established by the Personnel Board, as the Board raised the salaries of Senior Clerks last week to comply with the Personnel Board's guidelines also, and go for a long-term contract for same.

On a motion by Mr. Shanahan, seconded by Mr. Lovering, it was unan. voted to adjourn the Exec. Session and return to Open Meeting at 9:02PM. Roll Call Vote was as follows: Mr. Shanahan-Aye; Mr.Lovering-Aye; Mr.Hart-Aye; Mr.Murphy-Aye.

Adjourn Exec. Session-Return to Open Mtg.

For the Board of Selectmen, by

Bonita Towle

Executive Session of the Chelmsford Board of Selectmen held May 15, 1978 to discuss the mental or physical condition of an employee and/or discharge or discipline of an employee. Members present were: Mr. Murphy; Mr. Lovering; Mr. Shanahan and Mr. Hart. Mrs.Haines, Adm. Asst. was also present, as was Bonita Towle, Recording Clerk. Mr. Murphy, Chairman, called the Exec.Session to order at 9:03 PM. Mr.Carson was out of Town on business and was not present for this mtg.

Exec.Session 5/15/78 re: mental or physical condition or discharge of an employee or discipline of an employee

Mrs. Haines informed the Board that after speaking with Walter McNamara, CETA Recycling Coordinator relative to the Board's action of last week(to terminate him effective June 9 if he submits his resignation within 3 days; or terminate him May 23 if we do not receive his resignation within 3 days), Mr.McNamara contacted the Lowell CETA Admin. regarding the Board's letter. Mr. McNamara informed Mrs. Haines that he is willing to terminate his services with the Town if he is laid off-Mrs.Haines informed the Lowell CETA Office that she would have to bring this matter to the Board's attention in view of their vote of 5/9/78. The reason Mr. McNamara wants to be laid off is so that he can collect unemployment - Mrs. Haines spoke with John Clark, the Hearings Officer at the Lowell CETA Administration, who informed her that as long as the Board indicates that Mr. McNamara was discharged because he was unable to carry out the functions of his office, he still would be eligible to collect unemployment-therefore, Mrs.Haines suggested that the Board uphold their vote of 5/9/78 as recorded in the Exec.Session Minutes. Mr. McNamara is in New York and is not aware of this. As of Friday, Mr.McNamara did not submit his resignation and that was because he was awaiting Lowell's opinion. Mr.Shanahan suggested that

Exec.Session 5/15/78 continued

we should be in receipt of his resignation by May 23, 1978, as we had agreed originally.

Adjourn Exec. Session-return to Open Mtg.

On a motion by Mr. Shanahan, seconded by Mr. Lovering, it was unan. voted to adjourn the Exec. Session and return to Open Meeting at 9:07PM. Roll Call Vote was as follows: Mr.Shanahan-Aye; Mr.Lovering-Aye; Mr.Hart-Aye; Mr. Murphy-Aye.

For the Board of Selectmen, by

Bonita Towle

Exec.Session 6/26/78

Executive Session of the Chelmsford Board of Selectmen held June 26, 1978. Members present were: Mr. Shanahan; Mr. Carson; Mr. Lovering; and Mr. Hart. Mr. Murphy was not present due to illness. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle,Recording Clerk. Mr. Shanahan, Vice-Chairman acting as Chairman in Mr. Murphy's absence, called the Exec.Session to order at 11:10 PM.

Town Hall Union

Mr. Shanahan reported that he attended what he believes to be the final session of the negotiations for the Town Hall employees' union. A Memorandum of Understanding was entered into with regard to part-time employees which indicated basically that they would get the benefits of full-time employees pro-rated to the half-time status as far as the 20 hours a week they work here-they will not get sick-time pro-rated-only vacation time & holidays. The contract calls for a 6.7% increase the first year; 3½% the second year; and 3½% the third year for a 3-year contract. On a motion by Mr. Lovering, seconded by Mr. Carson, it was unan. voted to endorse the above proposals which were agreed upon today. Also, it was agreed that in the last year of the contract there would be some effort to review and consider a job classifications system for the employees in the Union.

The Board agreed to express its satisfaction with services of Kathy Hesse, of Murphy, Lamere & Murphy, and request that she continue serving the Town as Counsel from Murphy, Lamere & Murphy.

CETA Maint. Man for Senior Cit.Drop-In Center

The Board discussed appointment of a CETA Maint. Man for the Senior Citizens' Drop-In Center. Interviews were conducted and approx. two weeks ago Mrs.Haines received a telephone call from Everett Olsen, Jr., re: application of his brother-in-law, presently incarcerated at the Billerica House of Correction, charged with armed robbery. The only way in which Mr. Olsen's brother-in-law, Mr. Stephen Collins, can be paroled, is if he is employed. This was Mr. Collins first offense-he is 22 years old and was interviewed by Mrs.Haines, Mrs. Bishop & Mrs. Robinson, they are aware of his background. If Mr. Collins is appointed to this position, he would reside at the home of his sister and brother-in-law, Mr. & Mrs. Everett Olsen,Jr., at 140 Groton Road. Mrs.Haines picked up a letter of character reference on Mr. Collins from the House of Correction on this date-he was recommended for a job by his superiors and he has not been in trouble since serving his sentence at the House of Correction. Mr. Hart suggested that the Police Chief be notified if Mr. Collins is appointed, and if Mr. Collins does not appear for work, Mrs. Haines stated that his parole will be stopped. On a motion by Mr. Carson, seconded by Mr. Hart, it was unan. voted to concur with the AA's recommendation and appoint Stephen Collins as CETA Maint. Man for the SCDIC.

Police Dept. Union Grievances re: make-up of shifts & sick time payment

The Board then addressed two grievances from the Police Dept. Union as follows: 1) alleged violation of Local 341 Contract, Article XV, Hours of Work,specifically para. d, determining the make-up shifts and defining a full complement; and 2) alleged violation of article XXIX, Sick Leave, specifically para. 3, re: reimbursement of accumulated sick leave to Mrs. Elizabeth Campbell, widow of former Patr. John P. Campbell. Chief Germann denied both grievances, and on a motion by Mr. Lovering, seconded by Mr. Carson, it was unan. voted to concur with the Chief's denial of both grievances and so inform the Union.

The Board agreed that some type of policy should be established with regard to sick time, as the Board feels that dedicated employees often times lose out with regard to sick time. Mr. Hart stated that it may become necessary to place an article in the next ATM Warrant to change the Board's policy re: sick time payment, and place some funds in the article to deal with the matter. in question-Mrs. Campbell.

sick-time discussion

On a motion by Mr. Carson, seconded by Mr. Lovering, it was unan. voted to adjourn the Exec.Session and return to Open Meeting. Roll Call Vote was as follows: Mr. Carson-Aye; Mr. Lovering-Aye; Mr. Hart-Aye; Mr. Shanahan-Aye. The Board adjourned the Exec.Session at 11:30 PM.

Return to Open Meeting-Adjourn Exec.Session

For the Board of Selectmen, by

Bonita Towle

Executive Session of the Board of Selectmen held July 24, 1978, re: litigation, discipline or dismissal of an employee, Union negotiations, and a grievance. Members present were: Mr. Murphy; Mr. Shanahan; Mr. Carson; Mr. Lovering;and Mr. Hart. Mrs. Haines, Adm. Asst.,was also present as was Bonita Towle, Recording Clerk. Mr. Murphy, Chairman, called the Exec.Session to order at 10:57 PM.

Exec.Session 7/24/78 re: litigation; grievance; discipline or dismissal of an employee; negotiations

The Board discussed corres. received from Dr. Paul C. Pangiotakos re: Frontier Research, which the Board had authorized Town Counsel to act on their behalf in this matter. Town Counsel James Harrington had forwarded the Board with a legal opinion in which he recommended that the Assessor's Office be requested to abate the tax assessed to Frontier Research for the demolition of the bldg. and dismiss the tax taking in return for Frontier Reaearch, Inc., dismissing the action against the Town of Chelmsford with prejudice and without costs. On a motion by Mr. Carson, seconded by Mr. Shanahan, it was unan. voted to endorse Town Counsel's recommendation and request that he notify Dr. Pangiotakos. It was agreed to place a memo in our file as to why this case was settled, due to the errors the Town had been involved with regarding this matter.

Frontier Research,Inc.

Mr. Murphy informed the Board that he received a telephone call from someone which he felt he should bring to the Board's attention re: performance of the Wiring Inspector. The caller informed Mr. Murphy that the Wir. Insp. was not on vacation, but he appears to spend 50% or more of his time in a swimming pool on the caller's street. The pool is at 11 Elm Street, Mr. Murphy stated, which is the address of a former CETA clerk who was a member of the Wir.Insp. Dept. Mr. Murphy stated that the Board could 1) investigate it by itself; 2) have the Police Dept. investigate it; 3) the Board could speak with Harold Tucke, Wir.Insp. on a general basis, making no allegations yet indicating concerns about his performance. Mr.Lovering stated that some time ago he telephoned Mr. Tucke and arranged a mtg. with him at which time Mr.Lovering advised Mr. Tucke to change his ways. Mr. Hart stated that this has been going on for quite a while, and he feels that all employees should be treated in the same manner-only one member of a Town Dept., Mr. McHugh, was reprimanded publicly before the Board - Mr. Tucke was warned in the past to change his ways and he has never improved his performance. It was agreed that Mr.Murphy and Mr. Shanahan would randomly drive by 11 Elm Street and evidence Mr.Tucke's presence at this address during normal working hours,within one week. Mr. Tucke will be scheduled to meet with Mr. Murphy within one week and Mr.Murphy will inform the Bd. of his mtg. with Mr.Tucke.

Wiring Insp.

On a motion by Mr. Shanahan, seconded by Mr. Lovering,it was voted three in favor, two opposed-Mr. Carson and Mr. Hart, to deny a grievance filed by the Police Union Pres. re: alleged violations of Local 341 contract re: Articles XIV, XV, and XXI re: overtime rates. Our LRA had forwarded the Bd. with method for computing overtime rates in the past and the Chief rejected the grievance also.

Police Union Grievance

Town Hall Union Contract

The Board then addressed the Town Hall Union Contract. Several items were omitted from the drafted contract, Mrs. Haines was informed by Ms. Joyce Parkhurst, Pres. of the Union. There were no dates in the contract, no length of effect of same, no salaries listed in the percentage increases, no classifications, and the number of the bargaining unit was not included, and art. 11-miscellaneous was added by telephone message from Atty. Hesse to Miss Towle. On a motion by Mr. Shanahan, seconded by Mr. Carson, it was unan. voted to authorize the AA to contact Atty. Hesse to clarify the omissions in the contract as soon as possible and return the contract to the BOS for signing-it can be ratified at a mtg. if it is signed during the week.

Adjourn Exec. Session & Return to Open Meeting

At 11:20 PM, the Board, on a motion by Mr. Shanahan, seconded by Mr. Carson, unan. voted to return to Open Meeting and adjourn the Exec.Session. Roll Call Vote was as follows: Mr. Shanahan-Aye; Mr. Carson-Aye; Mr. Lovering-Aye; Mr. Hart-Aye; Mr. Murphy-Aye.

For the Board of Selectmen, by

Bonita Towle

Exec.Session held 9/5/78 re: allegations of criminal misconduct re: loam at South Row School

Executive Session of the Board of Selectmen held Sept. 5, 1978 to discuss allegations of criminal misconduct. Members of the Board of Selectmen present were: Mr. Murphy; Mr. Shanahan; Mr. Carson; Mr. Lovering and Mr. Hart. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. Mr. Murphy, Chairman, called the Exec. Session to order at 11:36 PM.

Mr. Lovering stated that the removal of loam from the South Row School has the appearance of what could be classified as criminal misconduct. The Board has been given some facts which may or may not be able to be verified, and Mr. Lovering stated that we have an obligation to have some type of investigation conducted concerning this incident, including interviewing of all appropriate parties and submission of a written, confidential report to the BOS. On a motion by Mr. Lovering, seconded by Mr. Shanahan, it was unan. voted to ask the Police Chief to have an investigation of this matter conducted and provide the BOS with a written, confidential report on same. The investigation should be conducted by one member of the Police Dept. due to the nature of the circumstances surrounding this matter.

Exec.Session adjourned-return to Open Meeting

On a motion by Mr. Shanahan, seconded by Mr. Carson, it was unan. voted to adjourn the Exec. Session at 11:47 PM and return to the Open Meeting - Roll Call Vote was as follows: Mr. Shanahan-Aye; Mr. Carson-Aye; Mr. Lovering-Aye; Mr. Hart-Aye; Mr. Murphy-Aye.

For the Board of Selectmen, by

Bonita Towle

at 7:40 PM

Exec.Session re: loam at So.Row School

Exec.Session held Sept. 11, 1978 to discuss discipline or dismissal of, or to hear complaints against a public officer, employee, staff member or individual. Members present were: Mr. Murphy; Mr. Shanahan; Mr. Carson; Mr.Lovering and Mr. Hart. Mrs. Haines, Adm. Asst.,was also present, as was Bonita Towle, Recording Clerk. Sgt. Armand Caron, of the Chelmsford Criminal Bureau, was also present to address the manner in which the Board wished him to handle the missing loam from the South Row School. On a motion by Mr. Shanahan, seconded by Mr. Carson, it was unan. voted to authorize Sgt. Caron to request that Chief Germann appoint another member of the Criminal Bureau to work with Sgt. Caron on this investigation, in view of his associations with Jay Finnegan, a member of the CPD. The Board agreed that they would like Sgt. Caron to perform a detailed investigation of this matter, and report back to them their findings, whether they be in the nature of criminal complaints, or not. On a motion by Mr.Shanahan, seconded by Mr. Carson, it was unan.voted to adjourn the Exec.Ses. at 8:49PM and return to Open Meeting. Roll Call Vote was as follows:Mr.Shanahan-Aye;Mr.Carson-Aye; Mr.Lovering-Aye; Mr. Hart-Aye; Mr.Murphy-Aye.

Exec.Session Adjourn-Return to Open Mtg.

For the Board of Selectmen, by

Bonita Towle

Executive Session of the Board of Selectmen held Oct. 10, 1978 re: Collective Bargaining of the Town Hall Union Contract. Members present were: Mr. Murphy, Mr. Shanahan; Mr. Carson and Mr. Lovering. Mr. Hart was absent due to illness. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. Mr. Murphy called the Exec. Session to order at 10:15PM.

Exec. Session 10/10/78 re: Collective Bargaining Town Hall Union Contract

Mr. Shanahan informed the Board of the status of Town Hall Union Contract in an earlier portion of this evening's Sel. Mtg. There is one provision which Mr. Shanahan stated has not been agreed upon to date, and that is the proposed 35-hour work week, which is a current practice in many offices in the Town Hall. The upgrading of all of the positions as far as salaries was to bring the salaries in parody with the Personnel Board's action at this past Town Mtg. The increases by percentages were based on the bylaw - for employees working 37½ hours per week. On a motion by Mr. Shanahan, seconded by Mr. Carson, it was unan. voted to maintain the Board's previous position in favor of the 37½ hour work week in the contract.

On a motion by Mr. Shanahan, seconded by Mr. Carson, it was unan. voted to adjourn the Exec. Session and return to the Open Meeting at 10:20 PM. Roll Call vote was as follows: Mr. Shanahan-Aye; Mr. Carson-Aye; Mr. Lovering-Aye; Mr. Murphy-Aye.

Adjourn Exec. Session & Return to Open Mtg.

For the Board of Selectmen, by

Bonita Towle

Executive Session of the Board of Selectmen held Oct. 23, 1978, re: strategy with regard to potential litigation. Members present were: Mr. Murphy; Mr. Shanahan; Mr. Carson; and Mr. Hart. Mr. Lovering was absent due to a business commitment. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. Mr. Murphy, Chairman, called the Exec. Session to order at 9:45 PM.

Oct. 23 Exec. Session re: potential litigation

In response to a request for an opinion from Town Counsel re: awarding of the contract for repaving of High Street, Atty. Harrington indicated that the work should be performed by Wm. Belleville, Jr., of Chelmsford Paving Company. Mr. Shanahan stated that he is concerned with some hearsay indicating that as Wm. Belleville, Jr. was awarded the contract for asphalt, it may be illegal for the Town to bid on sidewalks. Mr. Shanahan stated that he feels that we have an obligation to ourselves to investigate this as fully as we can, and if we have to get a brief from an attorney with expertise in this field, if Town Counsel feels that would be necessary, we should pursue same. We may invite Mr. Kane to Exec. Session to consult with the Board on this item, or invite someone from the Division of Labor and Industries, as we may be subject to damages. On a motion by Mr. Shanahan, seconded by Mr. Carson, it was unan. voted to authorize Wm. Belleville, Jr., Chelmsford Paving Co. to complete the repaving job on High Street under the price set forth in his bid for highway material, and authorize Louis Rondeau to grade the road immediately. On a motion by Mr. Shanahan, seconded by Mr. Carson, it was voted three in favor, one opposed-Mr. Hart, to instruct Town Counsel to give his immediate attention to the asphalt/sidewalk issue within 30 days as far as contracts are concerned, and we should obtain some general answers re: the Town's contract program - if Town Counsel Harrington does not feel that he has the expertise to complete this task, or if he does not have the time to devote to this matter, Town Counsel will be allowed to delegate this particular project to co-counsel - if Town Counsel needs more than 30 days to complete this report, he will be provided additional time in which to complete the report.

High Street repaving

Also, re: litigation, the Board discussed a confidential memo from Town Counsel re: Prevenas pigeon case. On a motion by Mr. Shanahan, seconded by Mr. Hart, it was voted three in favor, one opposed-Mr. Carson, to instruct Town Counsel to dismiss any further action on this case, in view of his legal opinion on same, based on conference with Mr. Prevenas, Defendant, and Town Counsel's advice.

Prevenas pigeon case

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Adjourn Exec. Session-Return to Open Mtg.

On a motion by Mr. Shanahan, seconded by Mr. Carson, it was unan. voted to adjourn the Exec. Session at 10:00 PM and return to the Open Meeting. Roll Call Vote was as follows: Mr. Shanahan-Aye; Mr. Carson-Aye; Mr. Hart-Aye; Mr. Murphy-Aye.

For the Board of Selectmen, by

Bonita Towle

Executive Session of the Board of Selectmen Nov. 6, 1978 re: collective bargaining with Town Hall employees. Mr. Shanahan indicated that he has heard from Atty. Hesse that she and Mr. Boudreau have made 2 substantive changes in the contract: 1. Holidays - if a holiday falls on a Saturday, employees will be given Friday off - if a holiday falls on a Sunday, Monday will be the day off; 2. Coffee breaks - 2 15-minute breaks per day, times for which are at the discretion of the department head. Two minor changes were also made: Art. X - add "per year" after 3 personal days; and Art. XI - ½ medical and ½ life insurance.
Mr. Shanahan moved to indicate to the bargaining representatives that the language with regard to breaks be changed to indicate that the work week of 37½ hours shall include in each day a morning break of 15 minutes and an afternoon break of 15 minutes, said breaks not to be scheduled for the start or end of any given work day, to indicate that the changes re: holidays and other changes indicated tonight are acceptable, and if that language re: breaks is unacceptable, then the Board would call for a meeting to review the whole contract. The motion was seconded by Mr. Carson and passed unanimously.
at 9:25 pm the Board adjourned to the Open Meeting.

For the Board of Selectmen, by

Judith E. Carter

Exec. Session Nov. 13 re: Police Collective Bargaining & Real Property

Executive Session of the Board of Selectmen held November 13, 1978 re: collective bargaining and purchase, exchange, lease or value of real property. Members present were: Mr. Shanahan; Mr. Carson; Mr. Lovering; Mr. Hart; and Mr. Murphy. Mr. Murphy, Chairman, called the Exec. Session to order at 9:58 PM. Mrs. Haines, Adm. Asst., and Bonita Towle, Recording Clerk were also present.

Police Negotiations

Re: Collective Bargaining and the 4 and 2 work week, on a motion by Mr. Shanahan, seconded by Mr. Carson, it was unan. voted to authorize the bargaining team to instruct our LRA, upon their permission, to go to an arbitrator to resolve the issue re: 4 and 2 work week. It is our negotiator's feeling that the Chief has the right to set up the manning schedules at his discretion - the Union feels that the Chief had this right only the first time the manning was implemented.

Real Property

Re: Preservation Restriction for the sale of the Emerson Property, Mr. Lovering provided Board Members with an amended copy of the restriction and informed the Bd. of his difficulties in attempting to get the Planning Board and Chelmsford Historic District Commission to agree with same. After review of the amended restriction, Sel. Shanahan suggested that Mr. Lovering include the name of Patricia C. Currie on Page 5 in the clause, & Mr. Carson suggested adding a time limit on section 6. On a motion by Mr. Shanahan, seconded by Mr. Carson, it was unan. votdd to agree with the substance of the document presented by Mr. Lovering this evening, and authorize Sel. Lovering to present same to Town Counsel for final legal review - assuming Town Counsel can agree upon same with Mr. Muldoon, Dr. Currie's Counsel, directly, we can indicate that we have an agreement.

Adjourn Exec. Session & Return to Open Meeting

At 10:25 PM Mr. Shanahan moved that we adjourn the Exec. Session and return to the Open Meeting - motion was seconded by Mr. Carson and unan. voted by the Board on a Roll Call as follows: Mr. Shanahan-Aye; Mr. Carson-Aye; Mr. Lovering-Aye; Mr. Hart-Aye; Mr. Murphy-Aye.

For the Board of Selectmen, by

Bonita Towle

Exec.Session 12/11/78 re: collective bargaining & litigation

Executive Session of the BOS held Dec. 11, 1978 re: potential litigation and collective bargaining. Members present were: Mr.Murphy; Mr.Shanahan; Mr. Carson; Mr. Lovering; and Mr. Hart. Mr. Murphy, Chairman, called the exec. session to order at 9:13PM. Mrs. Haines, AA, and Bonita Towle, Recording Clerk, were also present.

Town Hall Union Contract

Mr. Shanahan informed the Bd. of the status of the negotiations for the Town Hall Employees Union Contract. It was agreed that Mr.Shanahan will bargain for a defined work day-1hour for lunch and two work breaks during the day,not to be taken at the beginning and end of the day (15-minute periods each). It was agreed that Mr. Murphy would contact Arthur Murphy, LRA, re: continuity in representation from attorneys from ML&M representing the Town, and Mr.Murphy will inform the Bd. of his discussion with Atty.Murphy at the Dec. 18 mtg.

Police Contract

Motion by PCH,seconded JBS,unan. voted to inform the Police Union that the Bd. is interested in signing a long-term contract, but at present the Bd. is not in a position to indicate a percentage increase for same. ML&M will also be advised of this.

Center Deli

Motion by JWC, seconded by AJL, unan. voted to notify Town Counsel that the Bd. wishes him to appeal the judge's decision re: Center Deli CVL-WRM will speak to TC re: wording of his opinions and action he wishes the Bd. to take on same.

Adjourn Exec. Session & return to Open Mtg.

Motion by JBS, seconded by JWC, unan. voted to adjourn Exec.Session and return to Open Meeting at 9:47 PM. Roll Call Vote was as follows: WRM-Aye;JBS-Aye; JWC-Aye;AJL-Aye;PCH-Aye.

For the Board of Selectmen, by

Bonita Towle

Exec.Session 1/16/79 re:CVL for Fisherman's Galley & Center Deli; and setting of salaries for Acting Chief & Acting Deputy Chief

Exec.Session of the Chelmsford Board of Selectmen held Jan. 16, 1979.Members present were: Mr.Shanahan; Mr. Carson;Mr.Lovering and Mr. Hart. Mr. Murphy left the regular mtg. at approx. 9PM and Mr. Shanahan chaired the Exec.Session. Mrs. Haines, Adm. Asst.,and Bonita Towle, Recording Clerk were also present.

It was agreed to forward any applications for a Common Victualler License by Fisherman's Galley or Center Deli to Town Counsel, in view of judge's decision regarding same.

Bd.agreed to discuss setting salaries for Act.PC and Act.DPC at mtg. 1/22 in Executive Session, when full Bd. is present.

ES adjourned

Return to Open Meeting

Motion JWC,second PCH,unan.voted to return to Open Mtg. at 9:20 PM - Roll Call Vote was as follows: Mr.Carson-Aye;Mr.Lovering-Aye;Mr.Hart-Aye;Mr.Shanahan-Aye.

For the Board of Selectmen, by

Bonita Towle

Exec.Session 1/22/79 re:collective bargaining & litigation

Executive Session of the Board of Selectmen held Jan. 22, 1979 to discuss a) collective bargaining; b) litigation. Members present were: Mr.Murphy;Mr. Shanahan;Mr.Carson;Mr.Lovering;Mr. Hart. Mrs. Haines, Adm.Asst., and Bonita Towle,Recording Clerk, were also present. Mr. Murphy, Chairman, called the Exec.Session to order at 8:31PM.

Salaries for Acting Chief & Acting Dep.Chief

Motion PCH,second AJL,unan.voted to set base salary for Acting Chief at $25,000.

Motion AJL,second JWC,voted 3 in favor; two opposed-Sel.Shanahan and Sel.Hart, to set base salary for Acting Deputy Chief at $21,300.

Fiske House,Inc.

Motion AJL,second JWC,voted four in favor;one present-JBS in accordance with his April 26,1977 Point of Privilege, to instruct Town Counsel to demand return of All Alcoholic CVL from Fiske House,Inc. At 9:15PM Bd.unan.voted to adjourn EX.Ses. & return to open mtg. on motion by JWC,seconded JBS-Roll Call Vote was as follows:JBS-Aye;JWC-Aye;AJL-Aye;PCH-Aye;WRM-Aye.

Adjourn ES-return to Open Mtg.

For the Board of Selectmen, by

Bonita Towle

Executive Session of the Board of Selectmen Jan. 29, 1979 re: purchase of second parcel of Penn Central Railroad land - parcel adjacent to Vlahos and Harvey properties. Members present were: Mr. Murphy; Mr. Shanahan; Mr. Carson; Mr. Lovering and Mr. Hart. Mrs. Haines, Adm. Asst. and Judith Carter, Recording Clerk, were also present. Mr. Murphy called the meeting to order at 9:00 p.m. Mrs. Haines indicated that she had heard from the Dept. of Transportation that the Town has until Feb. 23 to make a deposit on this property, and that if the Town does not want it, the state will purchase this parcel.
Motion by JBS, second JWC, to put down 10% of the $7500 purchase price on this parcel - vote was 3 in favor, 2 opposed - PCH and WRM.
Motion by JBS to ask opinion of Town Counsel if this money can be spent without Town Mtg. action, second by PCH - vote 4 to 1 in favor, AJL opposed.
Mrs. Haines said that Mr. Lamontagne would like to meet with the Board in Ex. Sessionto discuss this purchase in the near future, and the Board agreed to do so.
At 9:10 p.m. The Board unan. voted to adjourn Ex. Sess. and return to open mtg. on motion by JBS, second JWC - Roll Call was as follows: JBS-Aye; JWC-Aye; AJL-Aye; PCH-Aye; WRM-Aye.

1/29/79 re: purchase of property

For the Board of Selectmen, by
Judith E. Carter

Exec.Session held Feb. 12, 1979 re: collective bargaining and litigation. Present were: WRM;JBS;JWC;AJL; PCH. Mrs.Haines, AA was also present as was Bonita Towle, Recording Clerk. Mr. Murphy called the Exec.Ses.to order at 11:13PM.

2/12/79 re: col.barg. & litigation

Motion AJL,second JBS, unan. voted to forward corres. from former Chief Robert Germann re: article 2A of 1978 ATMW to Town Counsel for his recommendation in a timely fashion.

Motion JBS,second PCH, unan.voted to return to open mtg. and adjourn exec. session at 11:15PM - Roll Call Vote as follows: JBS-Aye;JWC-Aye;AJL-Aye;PCH-Aye;WRM-Aye.

Adjourn EX.SES. & return to Open Mtg.

For the Board of Selectmen, by
Bonita Towle

Exec.Session held Feb. 20, 1979 re: purchase, lease, exchange or value of real property. Members present were: WRM; JBS;JWC;AJL;PCH. Mrs.Haines, AA, was also present as was Bonita Towle, Recording Clerk. Mr. William LaMontagne of Penn Central Corp. was also present representing Penn Central. WRM called the Exec.Session to order at 7:54PM.

Exec.Session 2/20 re:real property

Motion JWC,second JBS, voted 4 in favor, 1 opposed-PCH, to place a deposit in the amount of $1,000 on parcel 'a' of railroad property.
Motion JWC, second JBS, voted 4 in favor, 1 opposed-PCH, to place a deposit in the amount of $230 on parcel 'c' of railroad property. A deposit of $148 has already been placed on parcel 'b' by AA.
Motion AJL,second JBS,4 in favor, 1 opposed-PCH to place 3 separate articles in 1979 ATMW for these parcels.
Motion JBS,second JWC, unan. voted to authorize AA, if necessary, to request transfers from FinComm for these checks, indicated above.
Motion JBS, second JWC, unan. voted to initiate some type of investigation through NMAC, if necessary re: other uses for the line, ie, bike paths, etc.

Motion JBS,second JWC, unan. voted to return to open mtg. at 8:12PM. Roll Call Vote was as follows: JBS-Aye;JWC-Aye;AJL-Aye;PCH-Aye;WRM-Aye.

Adjourn ES Return to Open Meeting

For the Board of Selectmen, by
Bonita Towle

Exec.Session of the Chelms. BOS held Feb. 20 re: strategy as it relates to col.barg. or litigation. Members present were: WRM;JBS;JWC;AJL;PCH. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk.

Exec.Session 2/20 re:col. barg.or litigation

Mr. Murphy, Chairman, called the Exec.Session to order at 10:35PM.

Fiske House return of license

The non-return of the Fiske House Liquor License was discussed. The AA informed the Board that she had written Town Counsel for an opinion as to what steps the BOS should take regarding this matter. Motion PCH, second JWC, unan. voted to have the AA schedule a hearing on the removal of the Fiske House License.

Exec.Ses. adjourned-return to open mtg.

Motion JBS, second JWC, unan. voted to adjourn Exec.Session and return to Open Meeting - Roll Call vote was as follows: JBS-Aye; JWC-Aye; AJL-Aye; PCH-Aye; WRM-Aye. At 10:36PM the Board adjourned the Exec.Ses.

For the Board of Selectmen, by

Bonita Towle

Exec.Session held March 12 re: collective bargaining

Executive Session held March 12, 1979 re: strategy with regard to collective bargaining. Members present were: Mr. Murphy; Mr. Shanahan; Mr. Carson; Mr. Lovering; and Mr. Hart. Mrs. Haines, Adm. Asst., was also present, as was Bonita Towle, Recording Clerk. Personnel Board Members present were: Mrs. Barbara Ward; Mr. Walter Kivlan; and Mr. Clifford White.

Town Employees-Personnel Bd.

It was agreed that the figure of a 5% increase would be utilized for town employees increase in salary for the next FY. Personnel Bd. will get back to the Sel. with language re: Dep.Chief of Adm. & Operations. At 8:10PM the Personnel Board adjourned their portion of this discussion.

Cemetery & Hghy.Union Proposals

WRM read the Hghy. & Cem. Union proposals which came about as a result of the Union mtg. on this date. Motion JBS, second JWC, unan.voted to go with a 5, 5, and 5 increase over the next 3 years.

Exec.Session Adjourned-Return to Open Meeting

At 8:16 PM the Exec.Session was adjourned and the Board returned to the Open Meeting - Roll Call vote was as follows: JBS-Aye; JWC-Aye; AJL-Aye; PCH-Aye; WRM-Aye.

For the Board of Selectmen, by

Bonita Towle

Exec. Session held Apr. 9 re: discipline or dismissal of employee - Peter Saulis, YCCoordinator

Executive Session held April 9, 1979 re: discipline or dismissal of an employee. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle and Mr. Emerson. Mrs. Haines, AA and Judith Carter, Recording Clerk were also present. Peter Saulis, Youth Center Coordinator, and 2 advisers, and Mr. George Weinert, Ch, Youth Center Advisory Committee, and several Committee members. were present to discuss the Committee's request that Mr. Saulis be terminated as YC Coordinator. After a 2 hour discussion on both sides, motion by JBS, seconded by BAT, to take the matter under advisement until the Board's meeting of April 17. Vote was 4 to 1, JWC opposed. Motion by JBS to reconsider, seconded by JWC, unan. Motion by JWC to endorse the Committee's request to terminate Mr. Saulis, second JBS for purposes of discussion. Vote was 4 to 1 against JWC's motion to terminate, all members except JWC wishing to place hold on matter for 1 week.
At 10:45 p.m. motion by JBS, second by JWC, to adjourn Exec. Sess. Roll Call vote was as follows: BJS-Aye; JWC-Aye; BAT-Aye; BOE-Aye; PCH-Aye.

For the Board of Selectmen, by

Judith E. Carter

Exec. Sess. held Apr. 9 re: purchase of RR property

Executive Session held April 17, 1979 re: purchase, lease or exchange or real property. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Judith Carter, Recording Clerk, was also present, as was Howard Hall, Esq. and Raymond Osborn. After discussing the purchase of the two parcels of land from the Penn Central RR, JBS indicated to Mr. Hall that this was not a matter for Exec. Sess., and that the Board has taken a formal vote to include these two articles on the warrant for the ATM. JWC reminded the Board

of the position they had taken with Atty. James Geary - that they would not discuss the matter until after ATM.
At 9:10 p.m., motion by JBS, second by JWC, to return to Open Meeting. Roll Call vote was as follows: JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye; PCH-Aye.

Exec. Session Adjourned-Return to Open Mtg.

For the Board of Selectmen, by
Judith E Carter

Executive Session held April 17, 1979 re: discipline or dismissal of an individual. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Judith Carter, Recording Clerk, was also present. George Weinert, CH Youth Center Advisory Committee and several Committee members were present at the start of the Session and then asked to leave. Motion by BOE to 1. extend the appointment of Peter Saulis as YC Coordinator through Labor Day on a 6-month probationary period; 2. fill the 5 open positions on the Advisory Committee to make a total of 11, with 1 member preferably from the clergy; 3. reorganize the full committee, and elect a chairman other than Mr. Weinert; 4. appoint BOE as liaison with the Committee, to report to the Board on a continuing basis; and 5. to make a new determination of the status of Mr. Saulis, the committee and the Youth Center itself at the end of 6 months. Motion was seconded by JBS, 4 to 1 in favor, JWC opposed. The YCAC was called back in and told of the Board's vote.
At 10:43 p.m. motion by JBS to go back to Open Meeting, second by JWC. Roll Call vote was as follows: JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye; PCH-Aye.

Ex. Sess. held Apr.17 re: discipline or dismissal of individual - Peter Saulis, YC Coordinator

Exec. Sess. Adjourned -Ret. to Open Mtg.

For the Board of Selectmen, by
Judith E. Carter

Executive Session held April 17, 1979 re: strategy re collective bargaining and purchase, lease or exchange of real property. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle and Mr. Emerson. Judith Carter, Recording Clerk, was also present. Mr. Carson reported that he had attended two negotiating sessions with the Pol. Dept. union, that they may agree to a 5-2, 5-2 pay increase for the next 2 years, and if the Bd. doesn't want to go above 5% Atty. Crowe should be so notified. The Board agreed with the 5-2 pay raise.
Re: confidential letter from Holy Union Special School re possible rental of McFarlin "A" Building, motion by JBS, second by BAT, unan. to confidentially inform the School that the Board is not now considering renting or leasing the McFarlin Bldg. at this time, but if it should be considered in the near future, the Board would notify the Holy Union School.
at 11:50 p.m. , motion by JBS, second by JWC, to return to Open Meeting for adjournment, Roll Call vote was as follows: JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye; PCH-Aye.

Ex. Sess. held Apr.17 re: collective bargaining - Pol.

Holy Union Sch. re: rental or lease of McFarlin A Bldg.

Return to Open Mtg.

For the Board of Selectmen, by
Judith E Carter

Executive Session held May 1, 1979 re: strategy with respect to collective bargaining and to discuss the deployment of security personnel. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle and Mr. Emerson. Mrs. Haines, AA, and Judith Carter, Recording Clerk, were also present. Miss Towle reported that the Highway and Cemetery Depts. had settled on 5% pay increase and that they are waiting for the official signing of the contracts. Mr. Carson reported that the Police union has agreed to the following: 1. 3 year contract; 2. 5-2, 5-2 and 5% pay increases; 3. sick leave buy-back upon death as well as retirement, and effective July 1, 1980 total accumulated sick days will change from 120 to 135 days; 4. comp time in lieu of overtime payments in second year of contract; 5. clothing allowance - from $225 to $250 2nd year, and from $250 to $300 3rd year; and 6. 3rd year - add Labor Day and Memorial Day to present 3 holidays for which time and one-half is paid. Motion JBS, second BAT, unan. to support.
Re: deployment of security personnel: it was agreed to request the Acting Police Chief and the 2 Acting Deputy Chiefs to be present at the May 8th mtg.

Ex. Sess. held May 1 re: collective bargaining - Highway and Police unions

Deployment of security personnel - Police

to explain in Exec. Sess. why the 2 Deputy Chiefs were in Florida, the Chief in school and a sergeant left manning the station, and also why men out sick are not being replaced on some shifts.

Adjourn to Open Meeting

At 12:01 a.m. motion JBS, second JWC, to adjourn to open meeting. Roll Call Vote was as follows: JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye; PCH-Aye.

For the Board of Selectmen, by
Judith E. Carter

Exec. Session held May 8 re: grievance of Ernest Woessner re: educational incentive payment

Executive Session held May 8, 1979 (9:00 p.m.) re: 1. strategy with regard to collective bargaining, and 2. deployment of sec urity personnel . Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle and Mr. Emerson. Mrs. Haines AA was also present as was Judith Carter, Recording Clerk. Student members present were: John Walker, Mary Woods, Paula Young, Cindy Teele and Kate Bolger. Acting Police Chief James Greska and Patrolman Ernest Woessner were also present. Officer Woessner had filed a grievance with the Chief re; educational incentive payment because he has a BS degree in Sociology. The Chief had denied the grievance because the contract stipulates that the degree must be in Law Enforcement for the maximum payment to be made. After discussion, motion JWC, second BAT, to uphold the Chief's denial. Vote was 4 to 1 in favor, JBS opposed. This portion of the session ended at 9:40 p.m. and the student members and Officer Woessner left the meeting.

Mtg. with Chief and Deputy Chiefs re: management and morale at Pol. Station

At 9:45 the Board met with Acting Chief Greska and Acting Deputy Chiefs Walter Edwards and Armand Caron to discuss absence of management personnel at the police station, and the lack of replacing men on some shifts. Mr. Carson left the meeting at 9:55 p.m. and Mr. Shanahan left at 10:10 p.m. Chief Greska told the Board that the reasons for this leaving the station in charge of a sergeant and not replacing men on some shifts is a problem of his budget running low. There was also discussion of management and morale in general at the station, as well as the positions of captains.

Adjourn to Open Mtg.

Motion BOE, second BAT, at 11:10 p.m. to return to open meeting. Roll Call Vote was as follows: BAT-Aye; BOE-Aye; PCH-Aye.

For the Board of Selectmen, by
Judith E. Carter

Ex. Sess. held May 15 re: McFarlin "A" Bldg. and Police Chief and Deputy Chiefs lists and exams

Executive Session held May 15, 1979 re: 1. purchase, exchange, lease or value of real property; and 2. strategy re: collective bargaining. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle and Mr. Emerson. Mrs. Haines, AA, and Judith Carter, Recording Clerk, were also present. Mr. Shanahan said he had talked with Mrs. Delaney of the Housing Authority and their architect says it is not too late to amend the drawing to include McFarlin "A" Bldg. as housing for the elderly if the Board decides not to use the building as a Town Hall. Mrs. Haines will schedule a meeting with the Housing Authority as soon as possible, and ask if they want to bring the architect to the meeting.

Motion JBS, second BOE, unan. to request the most current listing with regards to Police Chiefs from Civil Service and also to schedule the exam for Chief and Deputy Chief, both open and promotional, for August 4th.

It was agreed to go along with 5% on the Fire Dept. contract.

Adjourn to open mtg.

At 9:55 p.m. motion JBS, second JWC to return to open meeting. Roll Call Vote was as follows: JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye and PCH-Aye.

For the Board of Selectmen, by
Judith E. Carter

Executive Session of the Board of Selectmen held May 29, 1979 re: deployment of security personnel. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle and Mr. Emerson. Mrs. Haines, AA, and Judith Carter, Recording Clerk, were also present. Acting Police Chief James Greska had recommended that John Walsh be appointed temporary sergeant in the Pol. Dept. because: 1. they need another sergeant; Officer Walsh was the only one who passed the exam, and 3. there is a morale problem.
Motion JBS, second JWC, to appoint John Walsh as temporary sergeant in the Police Department. It was decided that this appointment should be made in open meeting.
At 10:55 p.m. motion JBS, second JWC, to return to open meeting. Roll Call vote was as follows: JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye; PCH-Aye.

Exec. Sess. May 29, 1979
Appt. of Temp. Sgt. Pol. Dept.
Adjourn to Open mtg.

For the Board of Selectmen, by
Judith E. Carter

Executive Session of the Board of Selectmen held June 25, 1979 re: strategy re collective bargaining. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle and Mr. Emerson. Mrs. Haines, AA, and Judith Carter, Recording Clerk, were also present. Motion JBS, second JWC, unan. to endorse Acting Police Chief Greska's denial of a grievance re sick leave and vacation time as the result of an injury, filed by Edwin Hodgson.
At 12:35 a.m. motion JBS, second JWC, to return to open meeting. Roll Call vote was as follows: JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye; PCH-Aye.

Ex. Sess. June 25, 1979
Support of Pol. Chief's denial of a grievance.

For the Board of Selectmen, by
Judith E. Carter

Executive Session of the Board of Selectmen held July 23, 1979 re: strategy re collective bargaining and deployment of security personnel. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Mrs. Haines, AA, and Judith Carter, Recording Clerk, were also present.
Motion JBS, second JWC, unan. to authorize the Pol. Dept. to have an officer on duty in Central Square on Fridays and Saturdays.
Motion JBS, second JWC, unan. to authorize the negotiators for the Town and the Police Union to start working on putting the 3 new officer positions in the Pol. Dept. - Crime Prevention, Juvenile and Auxiliary and Community Service on a 5-2, rather than a 4-2, work week.
At 11:17 p.m. motion JBS, second JWC, to return to open meeting. Roll Call vote was as follows: JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye; PCH-Aye.

Ex. Sess. Jul. 23 re: Officer in Central Sq. and 5-2 week for 3 new positions in Pol. Dept.
Adjourn to Open Meeting

For the Board of Selectmen, by
Judith E. Carter

Executive Session of the Board of Selectmen held August 13, 1979 re: pending matters of litigation. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle and Mr. Emerson. Mrs. Haines, AA, and Judith Carter, Recording Clerk, were also present. The session was called to discuss correspondence from Town Counsel re the Town v. Charles D'Angelo, NorthChelmsford Auto Parts. JBS said he feels the Town would do better to negotiate with Mr. D'Angelo rather than take the matter to court. He will contact Town Counsel, and the AA will check the status of Mr. D'Angelo's Class III Auto Dealer's License.
At 10:50 p.m. motion JBS, second JWC, to return to open meeting. Roll Call vote was as follows: JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye; PCH-Aye.

Ex. See. Aug. 13 re: North Chelmsford Auto Parts
Return to Open Meeting

For the Board of Selectmen, by
Judith E. Carter

Ex. Sess. held Aug. 27 re: purch., exch., lease or value of real prop.

Executive Session held August 27, 1979 (11:35) re: purchase, exchange, lease or value of real property. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Mrs. Haines, AA, and Nancy Ring, Recording Clerk, were also present. Mr. Shanahan discussed the possibility of selling the Quessy School property to either a church or other organization if approached.

D'Angelo case

Mr. Emerson then brought up a discussion of the status of the D'Angelo case. Motion BOE, second JWC, unan. to ask Town Counsel: 1) Do we have the right to revoke Mr. D'Angelo's license? 2) Do we have the right not to issue a license in the future to Mr. D'Angelo or other junk dealers?

Grievance from Hwy. Dept.- accrual of sick & vacation time

The grievance received from the Hwy. Dept. re: the accrual of sick days and vacation days while out on Workman's Compensation was discussed. Motion JBS, second JWC, unan. to reject the grievance from the Hwy. Dept.

Ex. Sess. adj.- return to Open Meeting

At 11:55PM motion JBS, second JWC to go back to Open Meeting. Roll Call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye.

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess. held Sept. 10 re: strat. w/respect to coll. bgn. or litigation

Executive Session held Sept. 10, 1979 (10:55) re: strategy with respect to collective bargaining or litigation. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Mrs. Haines, AA, and Nancy Ring, Recording Clerk, were also present.

Operat. of H.D.

It was agreed that the entire BOS should meet with all employees of the Hwy. Dept. to discuss the operation of this department.

H.D. req. for pay raise

BAT informed the Board that the Hwy. Dept. has requested a 30% pay increase over the next 2 year period. The BOS agreed to inform the H.D. that the Bd. intends to stay with their 5-5 pay raise offer.

D'Angelo case

JBS reported on the status of the D'Angelo case. T.C. has indicated that a court case could go either way. As far as the license goes, T.C. says he doesn't think the Town ever issued a license, that issuance was contingent upon the zoning case. If we haven't issued a license, we shouldn't do so now, but if we withhold the license we should continue with the zoning case or Mr. D'Angelo could bring us to court. As far as junk yards generally; we can revoke a lic. at any time dur. the yr. for a good cause and we are under no oblig. to reissue a license every yr.

AA and Recording Clerk excused

Motion JBS, second JWC, unan. to excuse Mrs. Haines and Miss Ring from the mtg. in order that a matter re administration of the BOS might be discussed.

Adjourn to open sess. - 12:45PM

12:45 PM - Motion JBS, second JWC, unan. to return to open sess. A Roll Call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye.

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess. held Sept. 24 re: strategy w/resp. to coll. barg. or litig.

Exec. Sess. held Sept. 24, 1979 (10:45), re: strategy with respect to coll. bargaining or litigation. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Mrs. Haines, AA, and Nancy Ring, Recording Clerk, were also present.

work week pay period

Motion BAT, second JBS, unan. to have AA send letter to firm of Murphy, Lamere and Murphy asking that the work week pay period issue be included as one of the items for negotiation in the next negot. sess.

BAT reported that the H.D. plans to file for mediation with re to pay increase. The issue will be brought bef the union and BOS will be supplied with their comments. — H.D. pay incr.

There was discussion re the D'Angelo case. Motion JBS, second JWC, unan. to instruct J. Harrington, T.C., to continue the suit against Mr. D'Angelo. — D'Angelo case

At 10:55 Motion JBS, second JWC, to return to open mtg. Roll Call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye. — Ret. to open sess. - 10:55

For the Board of Selectmen, by

Nancy L. Ring

Exec. Sess. held Oct. 4, 1979 to disc. strategy w/re to coll. bargaining or litigat. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Nancy Ring, Recording Clerk, was also present. — Exec. Sess. held Oct. 4 w/re to

Motion JBS, second JWC, unan. that the Board in writing inform Mrs. Haines that it is in disagreement with her analysis of compensatory time, and that the Board will not make any award based on that request. Motion JBS, second JWC, voted 4 in favor, 1 opposed-BAT, that subject to endorsement as to its legality by both Mr. Day and Murphy, Lamere and Murphy, that this Board award to Mrs. Haines a sum of $1,000 in recognition for her service to the Bd. and the community. Motion JBS, second JWC, unan. that we consult with Murphy, Lamere, and Murphy as to the means by which it can be awarded without getting into a situation where there might be litigation on the comp. time issue. — (10:30 PM)

Delegation of responsibility was also discussed.

At 11:20, motion JBS, second JWC, unan. to go into Reg. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye. Adjourn to Reg. Sess. — Adj. to Reg. Sess.-11:20 PM

For the Board of Selectmen, by

Nancy L. Ring

Exec. Sess. held Oct. 16, 1979 to discuss strategy w/respect to coll. bargaining or litigation and, in addition, the purch., exch., or value of real property. Members present were: Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Mr. Hart was not present due to illness. — Exec. Sess. held Oct. 16, 1979

Motion BAT, second JWC, unan. that we schedule a meeting w/Interfaith Housing Authority of Greater-Lowell, 10 Billerica Rd., on Oct. 22 and if necessary discuss in Exec. Sess. the appraisal and what our plans are with re to the Middlsx County Training School property and their proposal. — Mdlsx County Training School

JWC discussed his displeasure w/Murphy, Lamere and Murphy at a recent fact-finding sess. It was agreed to inform them that due to the poor job done in preparing our case for this sess., we will not be billed, and that we hope this sort of incident will not occur again. — Murphy, Lamere and Murphy re fact-finding

Motion JWC, second BAT, unan. to allow JBS to contact T.C. re a possible conflict of interest and submit a written memo of the facts for the Bd's consideration.

Motion BAT, second JWC, unan. to forward Penn Central letter dated Sept. 27, 1979 to T.C. and have him draft a letter to Penn Central explaining our position. — Penn Central deposit

Adjourn to Reg. Sess.(10:55)

Motion BOE, second JWC, unan. to return to Reg. Sess. A roll call vote was as follows: JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye.

For the Board of Selectmen, by

Nancy L. Ring

Exec. Sess. held Oct. 22 re purch, exch, lease or value of real prop. (9 PM)

Exec. Sess. held Oct. 22, 1979 (9 PM) to consider purch., exch., lease or value of real property. Members present were: Mr. Hart, Miss Towle, and Mr. Emerson. Mr. Shanahan and Mr. Carson were detained on business. Nancy Ring, Recording Clerk, was also present as well as members of the Interfaith Housing Authority of Greater-Lowell. Mr. Paul Krenitsky, the Authority's spokesman, reported the results of an appraisal of the Mdlsx County Training School grounds. The property consists of 64 acres, 37 of which are buildable. The area is zoned as follows: 50 acres-single family, 12 acres-limited industr., 2 acres-rdside commercial. The Authority felt, after conferring w/their appraiser, that their proposal would be $200,000 for the site as it stands or $460,000 less the cost of removing unfit bldgs. The Bd. informed them that they felt this proposal was quite low. At 9:30 PM, motion BAT, second BOE, unan. to go into Reg. Sess. A roll call vote was as follows: PCH-Aye; BAT-Aye; BOE-Aye.

Adj. to open sess. (9:30 PM)

Exec. Sess. held Oct. 22 re discip, dism, complaints, or charges agnst publ. off, empl, staff member, or indiv. (9:40 PM)

Exec. Sess. held Oct. 22, 1979 (9:40 PM) to consider discipline or dismissal of, or to hear complaints or charges brought against, a publ. officer, employee, staff member, or indiv. Members present were: Mr. Hart, Miss Towle, and Mr. Emerson. Mr. Shanahan and Mr. Carson were detained on business. Nancy Ring, Recording Clerk, was also present as well as Louis Rondeau, Arthur Deschaine, John Fantozzi, and Pearl Koulas of the Hwy. Dept. The Bd. discussed their displeasure with recent disciplinary problems re laborers in this dept. The Bd. informed the those present from the H.D. that from now on they wish this dept. to be run properly and efficiently.

Adj. to Reg. Sess. - 10 PM

At 10 PM, motion BAT, second BOE, unan. to return to open sess. A roll call vote was as follows: PCH-Aye; BAT-Aye; BOE-Aye.

For the Board of Selectmen, by

Nancy L. Ring

Exec. Sess. held Oct. 29 re coll. barg. or litigat. (10:55 PM)

Exec. Sess. held Oct. 29, 1979 (10:55 PM) to discuss strategy w/respect to coll. bargaining or litigation. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Carson. Nancy Ring, Recording Clerk, was also present.

There was discussion on the issue of estab. new positions in the P.D. of Crime Prevention Officer, Juvenile Off., and Auxiliary & Community Services Off. and putting those indiv. on a 5-2 work week as opposed to a 4-2. The union has filed a grievance and the matter has been discussed with them, but no agreement has been reached. It is Bob Crowe's (Murphy, Lamere and Murphy) recommendation that we continue to use these officers in the same manner as these positions were established for the time being.

Due to continuing dissatisfaction with the firm of Murphy, Lamere and Murphy, the possibility of changing firms after pending matters have been cleared up was discussed.

JBS reported that he no longer feels there is a conflict of interest w/re to the Mdlsx County Training School, but he will continue to abstain from voting on matters pertaining to this issue due to his former relationship w/the client.

Motion JBS, second JWC, voted 4 in favor, 1 abstention-BAT, that the Bd. send a letter to Mrs. Haines indicating that we have sought the appropriate counsel from the appropriate authorities and do not feel that it is within our power to approve her request.

At 11:15 PM, motion JBS, second JWC, unan. to adjourn to Reg. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye. Adj. to Reg. Sess. (11:15)

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess. held Nov. 5, 1979 to disc. strategy w/re to collective bargaining or litigat. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Nancy Ring, Recording Clerk, was also present. Exec. Sess. held Nov. 5 w/re to coll. barg. or litigat. (9:35 PM)

Motion JBS, second BAT, voted 4 in favor, 1 opposed-JWC, that the Bd. contact Murphy, Lamere and Murphy and indicate the discussion this evening of a 7-10-7 or a 7-10 contract settlement, and that they convene mtgs w/the 3 respective unions (P.D., H.D., & F.D.) as soon as possible, preferably all 3 unions on the same day in 3 different places at the same time with a BOS member present at each sess.

Motion JWC, second JBS, unan. to forward the Summons & Complaint re Swain Rd. landfill to T.C. for an opinion.

At 10:05 PM, motion JBS, second JWC, unan. to adjourn to Reg. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye. adj. to Reg. Sess. (10:05)

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess. held Nov. 13, 1979 to disc. strategy w/re to collective bargaining or litigat. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, and Miss Towle. Mr. Emerson was detained on business. Nancy Ring, Recording Clerk, was also present. Exec. Sess held Nov. 13 w/re to coll. barg. or litigat. (9:20PM)

The pending negot. sess. w/P.D., F.D., and H.D. was discussed as well as our new policy of dealing directly w/the depts. in fact-finding sessions.

It was requested that the office obtain additional copies of the Swain Rd. Landfill proposal submitted by the Health Dept. It was agreed that PCH will meet w/indiv. members of the Bd. of Health and explain our situation w/re to the landfill in view of the Summons & Complaint received by the BOS.

It was agreed to request a response re the grievance & complaint form filed by Thom Niemaszyk from Chief Greska. It was also agreed to schedule Chief Greska and Thom Niemaszyk to attend the BOS mtg. Nov. 26 in order to disc. this matter.

It was agreed to send a letter to the Hwy. union pres. informing him that Mr. McQuade, rep. for the union, has indicated that he does not see any problem w/ the changing of the payroll period as of a certain date and await his response.

It was agreed to respond to Mr. Arthur Murphy's letter of Nov. 5 re grievance of Frederick Dillon by informing him that we do wish him to draft a letter on this matter and the BOS is still maintaining its position on seniority and sick leave not being cumulative.

Motion JBS, second JWC, unan. to go into Reg. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye. Adj. to Reg. Sess (9:45 PM)

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess. held Nov. 19 re coll. barg. (8:20 PM)

Exec. Sess. held Nov. 19, 1979 (8:20 PM) to discuss strategy w/re to collective bargaining. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Nancy Ring, Recording Clerk, was also present.

The negotiations w/the P.D., H.D., and F.D. held today were discussed. The offer made to these unions was for a 3-yr., 7-10-7 contract. No settlements have been made yet.

It was brought to the attention of the Bd. that Bob Crowe, Murphy, Lamere and Murphy, is considering leaving that firm and setting up his own practice in the near future. Motion JBS, second BAT, unan. that we notify Murphy, Lamere and Murphy of our intention to discontinue them as our legal counsel, effective Jan. 1, 1980; and, further, that after Dec. 31, 1980 we make contact w/Mr. Crowe to discuss as soon as is possible the possibility of his representing the Town of Chelm.

Adj. to Open Sess. (8:40 PM)

At 8:40 PM, motion JBS, second JWC, unan. to go out of Exec. Session. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye.

Exec. Sess. held Nov. 19 re litig. (9:55 PM)

Exec. Sess. held Nov. 19, 1979 (9:55 PM) to discuss strategy w/re to litigation. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, and Mr. Emerson. Miss Towle was not present due to a business engagement. Nancy Ring, Recording Clerk, was also present as well as James Harrington, Town Counsel, and Peter McHugh, B.I.

The status of the Town of Chelm. vs. Arlene C. Carrick et al case was discussed. The property is definitely in violation of Zoning By-Laws. Mr. Harrington presented the option of getting a consent judgment in lieu of taking the case to trial. It was agreed by the BOS to go to trial.

The N. Chelm. Auto Parts case was discussed. Mr. Harrington apprised the Bd. of the fact that Attny. Geary is considering filing for costs if we should lose the case and would, therefore, like to know if the BOS would consider dismissing the case. It was agreed to continue w/the trial.

It was brought out that the Architectural Barriers Court wants to know what type of corrective action we are going to take re several problems w/the sidewalks that have been installed. They want a report Jan. 7 showing to them what we intend to do about the violations - either what corrective action we are going to take or why we feel that we cannot take some corrective action. Motion BOE, second JWC, unan. that we refer this matter to J. P. Bienvenu for a report on an opinion of agreement or disagreement w/the necessity of the suggested corrections one by one and a cost factor related to each one.

Violations at the Hallberg property were discussed. Motion BOE, second JWC, unan. that we proceed with whatever action is necessary.

Complaints re dumping fill on the Harvey property on Parkerville Rd. were brought up. Mr. Harrington informed the Bd. that there is an injunction against further dumping at the present time.

Adj. to Open Sess. (10:45PM)

At 10:45 PM, motion JWC, second JBS, unan. to go into Reg. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BOE-Aye.

For the Board of Selectmen, by

Nancy L. Ring

Exec. Sess. held Dec. 10, 1979 to disc. strategy w/re to collective bargaining or litigation. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Nancy Ring, Recording Clerk, was also present as were Arthur & Richard Murphy. The Bd.'s dissatisfaction w/the way the Town's negot. sessions have been handled recently was discussed. The Bd. informed the Murphys that we will be looking into other possibilities as far as negotiators after the first of the year, although we are not definitely ruling out Murphy, Lamere, and Murphy as one of those possibilities. The Murphys discussed diff. ways in which our negot. could be handled so they would be more to our satisf.

Exec. Sess. held Dec. 10 w/ re to coll. barg. or litig. (8 PM)

Motion JBS, second JWC, unan. to return to Reg. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye.

Adj. to Reg. Sess. (8:35 PM)

Exec. Sess. held Dec. 10, 1979 to disc. strategy w/re to litigat. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Nancy Ring, Recording Clerk, was also present as were members of the Consev. Comm. The court case involving property on Mill Rd. that is being handled by Attny. Clem McCarthy was discussed. The Bd. requested that members of the Consev. Comm. attend a mtg. w/Mr. McCarthy next week in order to make some decisions re the case.

Exec. Sess held Dec. 10 w/ re to litig. (10 PM)

Motion JBS, second JWC, unan. to go out of Exec. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye.

Adj. to Reg. Sess. (10:05PM)

For the Board of Selectmen, by

Nancy L. Ring

Exec. Sess. Held Dec. 17, 1979 to discuss strategy w/re to pending litigation. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, and Mr. Emerson. Miss Towle was detained this evening. Nancy Ring, Recording Clerk, was also present as were Mr. Dulchinos and Mr. McCarthy, Bd. of Health. Possible State court action against the town w/re to the Swain Road Landfill was discussed. It was agreed to advertise for a private contractor for waste disposal as a show of good intent to the State. It was also agreed to leave the landfill facility open 2 days per week until such time as it becomes necessary to close same as show of further good intent to the State.

Exec. Sess. held Dec. 17 w/ re to pending litigat. (9 PM)

At 9:22 PM, motion JBS, second JWC, unan. that we allow Mr. McCarthy and Mr. Dulchinos to excuse themselves and invite Attny McCarthy and members of the Consev. Comm. into the Exec. Sess. continuing under the litigat. section.

Continue Exec. Sess. (9:22 PM)

The pending court case being handled by Attny McCarthy re Elio Debiase et al vs. The Town of Chelm. was discussed. Mr. McCarthy brought the fact that he feels a need for the services of a professional appraiser to the Bd.'s attention. He feels it is essential to the case. Motion JBS, second JWC, unan. that we allow Mr. McCarthy to retain Mr. Simmons, or an expert of his capabilities in Mr. McCarthy's view, for $100/hr., not to exceed at this point in time $7,500. Motion JBS, second JWC, unan. that we rewrite the contract w/Mr. McCarthy and his law firm w/re to this specific matter which is pending before the Superior Court at an increased hourly fee from $35/hr to $75/hr, applicable only to this pending matter at this time.

Debiase case

At 10:05 PM, motion JBS, second JWC, unan. to go out of Exec. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BOE-Aye.

Adj. to Reg. Sess. (10:05PM)

For the Board of Selectmen, by

Nancy L. Ring

Exec. Sess. held Jan 7 re P.D. grievance (7:35)

Exec. Sess. held Jan. 7, 1980 (7:35 PM) to discuss a grievance filed by a member of the Chelm. P.D. at his request and in accordance w/the statute. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Norman Thidemann, Acting AA, and Nancy Ring, Recording Clerk, were also present as were Officer Niemaszyk, Chief Greska, & Off. Burlamachi. Motion JBS, second JWC, unan. that we allow Mr. Burlamachi to stay for this session. Motion JBS, second JWC, unan. that we allow Officer Linstad to stay for the remainder of this hrg.
The grievance filed by Officer Niemaszyk is in regard to a violation in Art. 14, Sec. E of the P.D. contract. He alleges that this Art. was violated when 3 new positions created w/in the P.D.; Crime Prev. Off., Community Serv. Off., & Juvenile Off., were put on a 5-2 work week rather than a 4-2. Motion JBS, second JWC, unan. that because 1) Off. Niemaszyk has no stand for being here, 2) the indiv. most aggreived has not followed proper channels w/re to dealing w/in the dept.& 3) the grievance was not filed timely as indicated under the contract, we reject the grievance. It was agreed to send Officer Niemaszyk a letter of rejection re his grievance.

Adj. to Open Sess. (8:10 PM)

At 8:10 PM, motion JBS, second JWC, unan. to go out of Exec. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye.

Exec. Sess. held Jan 7 re coll barg. (9:45 PM)

Exec. Sess. held Jan. 7, 1980 (9:45 PM) to discuss strategy w/re to coll. barg. Members present were: PCH, JBS, JWC, BAT, and BOE. Norman Thidemann, Acting AA, and Nancy Ring, Recording Clerk, were also present.
The contracts betw. H.D., Cemetery Dept., P.D., & F.D. were discussed. AA has reviewed same and all changes per Memos of Understanding w/ea. union have been included. After review & approval by unions, final contracts should be signed.

There was also discussion of our position re labor relations counsel.

Adj. to Reg. Sess. (10 PM)

At 10 PM, motion JBS, second JWC, unan. to go into Reg. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye.

For the Board of Selectmen, by

Nancy L. Ring

Exec. Sess. held Jan. 14 re: Middlesex Cty. Training School

Executive Session held Jan. 14, 1980 at 9:40 PM to discuss the purchase, exchange, lease or sale of real property. Members present were: Mr. Hart, Mr. Shanahan, Miss Towle and Mr. Emerson. Norman Thidemann, AA, and Judith Carter, Recording Clerk, were also present.
BAT reported that she had received a phone call from John Daley, Msex. Cty. Comm. office, indicating that the Comm. wants a meeting with Nordblom to discuss swapping app. 10 acres of land at the Training School property. She will attend this meetin and report back to the Board.
At 9:45 PM motion JBS, second BAT, to return to Reg. Sess. Roll call vote was as follows: JBS-Aye; BAT-Aye; BOE-Aye; PCH-Aye.

For the Board of Selectmen, by

Judith E. Carter

Exec. Sess. held Jan. 21 re H.D. Grievance

Exec. Sess. held Jan. 21, 1980 (7:45 PM) w/re to coll. barg. & an existing contract. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Norman Thidemann, AA, and Nancy Ring, Recording Clerk, were also present as were James Reid, John Fantozzi, Fred Dillon, & Mike Gormley (H.D.)
A grievance filed by Mr. Reid was discussed. Mr. Reid alleged that he was aggrieved due to violation of Art. IV, Sect. 2 wherein he, as a qualified Sen. employee was not granted a promotion to Engineering Equip. Operator. Motion JBS, second JWC, unan. that the Bd. allow Mr. Reid's grievance due to the fact that he was the applicant w/senority & he was determined by the Hwy. Supt. to be qualified to perform the duties required for the position.

At 8:05 PM, motion JBS, second JWC, unan. to go out of Exec. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye. | Adj. to Reg. Sess. (8:05PM)

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess. held Feb. 4, 1980 (8:50 PM) to discuss strategy w/re to coll. barg or litig. Members present were: Mr. Hart, Miss Towle, and Mr. Emerson. Mr. Shanahan was ill and Mr. Carson was detained on business. Norman Thidemann, AA, and Nancy Ring, Recording Clerk, were also present. | Exec. Sess held Feb 4 w/re to coll barg & litigat. (8:50 PM)
BAT informed the Bd. that Barbara Ward, CH of the Personnel Bd, has received information stating that the Boston Consumer Price Control & other reports have suggested a 12% wage increase for employees in the coming year. The Personnel Bd. feels this is too high, but they would suggest a 7% increase. Motion BAT, second BOE, unan. that the AA sched. a work sess. w/the Personnel Bd. to discuss a 7% wage incr. for employees under their jurisdiction.

At 8:55 PM, motion BAT, second BOE, unan. to return to Reg. Sess. A roll call vote was as follows: PCH-Aye; BAT-Aye; BOE-Aye. | Adj. to Reg. Sess. (8:55PM)

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess. held Feb. 25, 1980 (9:45 PM) to discuss strategy w/re to coll. barg Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Norman Thidemann, AA, and Nancy Ring, Recording Clerk, were also present. | Exec. Sess held Feb. 25 w/re tp coll barg(9:45)
Motion JBS, second JWC, unan. that we notify the Town Hall Union employees that the BOS will not renegotiate their contract.
It was agreed to appt Acting Police Capts until the next Capt exam is given.
It was also agreed to notify Acting Chief Greska that once a permanent Chief is apptd, the BOS will request him to forward recomm w/re to Acting Capt appts.
The Bd will be responsible for the final appts.

At 10 PM, motion JBS, second JWC, unan. to go into Reg. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye. | Adj to Reg Sess

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess. held March 3, 1980 (8:45 PM) to disc strategy & ramifications w/re to coll barg. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Norman Thidemann, AA, and Nancy Ring, Recording Clerk, were also present, as were Milton Greenwood & Louis Rondeau. Motion JBS, second JWC, unan. to allow Louis Rondeau to stay w/in the sess. | Exec Sess held March 3 w/re to coll. barg(8:45
The grievance submitted by Mr. Greenwood was discussed. He was contesting the BOS's recent decision to allow a grievance submitted by Mr. James Reid, and, therefore remove him from the posit of Class I Engin Equip Operator in favor of Mr. Reid. He feels the Bd misinterpreted Mr. Rondeau's letter stating that, "... even though Mr. Reid has more seniority on the Highway Dept, Mr. Greenwood is far more qual. for this position..." He stated that Mr. Rondeau's meaning of this statement was that Mr. Reid was unqual. for the posit; therefore, Mr. Greenwood feels he should be allowed to be reinstated. Motion JBS, motion fails for lack of a second, that the Bd rescind its prev decision and rule in favor of the appt of Mr. Greenwood to the posit based on the evidence presented this evening. Motion BAT, second BOE (for disc), voted 4 opposed, 1 in favor-PCH, to vacate the posit until such time as the new Hwy Supt can test both men and forward written recomm to the Bd as to who is qualif. Motion BOE, second JWC, voted 4 in favor, 1 opposed-JBS, that the matter be tabled for one week & disc be reconveined March 10 at 7:45 PM.

Adj. Exec. Sess. Motion JWC, second BOE, unan. (8:25 PM) to go out of Exec. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye.

Exec Sess held March 3 re coll barg (9:30 PM) Exec. Sess. held March 3, 1980 (9:30 PM) to discuss pending legal matters and strategy w/re to coll. barg. Members present were: PCH, JBS, JWC, BAT, and BOE. Norman Thidemann, AA, and Nancy Ring, Recording Clerk, were also present.
The Fin. Comm. has tentatively approved the $25,000 figure for the Exec. Sec. posit. The Grade & Step Levels were approved at STM in Oct of 1979, so there is no need to go through Personnel Bd for the posit.
The status of Pearl Koulas's appt was discussed as was the fact that Harold Gray's Grade & Step Level has been approved.
The status of the closing of the Swain Rd Landfill was discussed. Rubbish removal bids received were also discussed.

Adj. to Reg Sess At 10:05 PM, motion JBS, second JWC, unan. to go into Reg. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye.

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess held March 10 re coll barg (8 PM) Exec. Sess. held March 10, 1980 (8 PM) to discuss a matter under the coll. barg. agreement. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Norman Thidemann, AA, and Nancy Ring, Recording Clerk, were also present as was Mr. Milton Greenwood.
The grievance filed by Mr. Greenwood which was heard bef the BOS last week was once again discussed. Motion BJS, second JWC, unan. that the posit of Equip. Operator, presently being held by Mr. Reid-previously by Mr. Greenwood, be considered vacant effective upon the beginning of the next pay period; and that posit be filled if it is deemed necessary by Mr. Gray upon his taking his new position.

Adj. to Reg Sess. At 8:05 PM, motion JBS, second JWC, unan. to go into Reg. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye.

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess held March 24 re coll barg & litig. (8:35 PM) Exec Sess. held March 24, 1980 (8:35 PM) to discuss coll. barg. and/or pending litig. Members present were: Mr. Hart, Mr. Shanahan, Mr. Carson, Miss Towle, and Mr. Emerson. Norman Thidemann, AA, and Nancy Ring, Recording Clerk, were also present as was Katherine Hesse.
The Edwd Hodgson grievance, which is now in arbitration, was discussed. It was pointed out that there is no violation in contract, but there is a statutory violation. Mr. Hodgson claims he should have been pd on injured leave status following a heart attack rather than being forced to use sick leave & vacation time. Ms. Hesse outlined the options open to the Bd. Motion JBS, second JWC, unan. to allow our counsel to settle this case for the sum of $4,357.50, plus interest(only if necessary).
Evelyn Haines's claim for overtime compensation was also discussed. Her claim remains for $11,000. She wishes to come to an amicable settlement rather than going through extensive litig. The Bd agreed to disc the matter & advise Murphy, Lamere & Murphy how to proceed at a later time. Upon further disc, it was decided to request M,L & M to turn the file over to Attny Harrington and have him proceed with the case.
The Bd requested Ms. Hesse to have Arthur Murphy send us something in writing re Chelm H.D. change in work week as this does not require TM action.
Motion JBS, second JWC, unan. to advertise for a Labor Negotiator and to contact M, L, & M telling them that we are going to do this & that it does not preclude them for applying for the position. Letter to go to M, L & M this week and advert to be placed in Lowell Sun, Bost Globe & Mass Lawyers' Wkly for period of 2 publications in each.

At 9 PM, motion JBS, second JWC, unan. to go out of Exec. Sess. A roll call vote was as follows: PCH-Aye; JBS-Aye; JWC-Aye; BAT-Aye; BOE-Aye. | Adjournment

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess. held April 29, 1980 (8:30 PM) to discuss strategy w/re to litigat. Members present were: Mr. Hart, Mr. Carson, Mr. Emerson, and Mr. Ready. Miss Towle was out of town. Norman Thidemann, AA, and Nancy Ring, Recording Clerk, were also present as were Clement McCarthy and Mr. Simmons. The DiBiase case was discussed. The issue is the 1971 land taking. The anticipated trial date is early June. Mr. Simmons presented his appraisal research to the Bd. He went through the process of what the property would have been worth in 1971 under both single-family & high-density zoning. He concludes that under either zoning the land was economically unsound in Chelm. There is a possibility that the defendant could prove the land economically sound if it is compared w/ land in surrounding towns, however. Mr. McCarthy informed the Bd that he will be in receipt of the findings from DiBiase's consultant. At that time, he will come bef the Bd again to further update them as to the status of this case. | Exec. Sess held April 29 re litigat (8:30 PM)

At 9:30 PM, motion JWC, second BOE, unan. to go out of Exec. Sess. A roll call vote was as follows: PCH-Aye; JWC-Aye; BOE-Aye; DJR-Aye. | Adjournment

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess. held July 7, 1980 (7:55 PM) to discuss pending litigation. Members present were: Miss Towle, Mr. Emerson, and Mr. Ready. Mr. Hart was ill and Mr. Carson was detained on business. Norman Thidemann, ES, and Nancy Ring, Recording Clerk, were also present as was James Harrington, Town Counsel. Mr. Harrington presented the Board with a list re the status of pending litigat cases. The Board reviewed the list & questioned Mr. Harrington on various matters. It was agreed to request J. Paul Bienvenu, Town Engineer, to prepare a topographical map of the Swain Rd Landfill in conjunction w/compliance to State mandate to close same. It was also agreed to have the Bd review the list submitted by Mr. Harrington again & make a decision as to whether or not it should be released to the press. | Exec. Sess. held July 7 re pending litigat (7:55)

At 8:25 PM, motion DJR, second BOE, unan. to go out of Exec. Sess. A roll call vote was as follows: BAT-Aye; BOE-Aye; DJR-Aye. | Adjournment

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess. held Sept 8, 1980 (9:40 PM) to disc strategy w/re to pending litig. Members present were: Mr. Hart, Miss Towle, Mr. Carson, Mr. Emerson, and Mr. Ready. Norman Thidemann, ES, and Nancy Ring, Recording Clerk, were also present. Sect 26C re fire protection & fire alarm systems in multiple-residence dwellings was discussed. There seems to be discrepancies re interpretation of this law. T.C. has furnished an opinion stating that the F. Chief is w/in his rights in interpreting the law as he sees fit. The Chief's Assoc has come up w/some guidelines which Chief Reid is following. Attny Shanahan has requested a mtg betw the Chief & himself to disc the issue. It is F.C.'s opinion that such a mtg might hurt our position should this matter come to a court case. It was agreed not to hold a mtg and to await further action on the part of the aggrieved parties. | Exec. Sess held Sept 8 re litig (9:40 PM)

Adjournment

At 10:05 PM, motion BAT, second JWC, unan. to go out of Exec. Sess. A roll call vote was as follows: PCH-Aye; BAT-Aye; JWC-Aye; BOE-Aye; DJR-Aye.

For the Board of Selectmen, by
Nancy L. Ring

Exec. Sess held Oct 20 re litig. (8:20 PM)

Exec. Sess. held Oct. 20, 1980 (8:20 PM) to discuss litigation if an open mtg may have a detrimental effect on the litigating position of the governing body. Members present were: Mr. Hart, Miss Towle, Mr. Emerson, and Mr. Ready. Mr. Carson was detained on business. Norman Thidemann, ES, and Nancy Ring, Recording Clerk, were also present as were Clement McCarthy and Mr. Simmons.

Byrne cases

Attny McCarthy requested permission to turn the Emmet Byrne-Bowl Rd. cases over to Attny Harrington, T.C., in order to avoid a possible conflict of interest. Motion BAT, second BOE, unan. to authorize the Selectmen to turn the Byrne cases over to Attny Harrington.

DiBiasse case

Attny McCarthy updated the Bd on the status of the DiBiasse (Mill Rd Land taking) case. It is due to come to trial Nov. 25, 1980. Attny McCarthy plans to use Mr. Simmons as his expert witness. Mr. Simmons briefly informed the Bd of what he feels are the strong points in his evidence. Both gentlemen are optimistic about a favorable outcome on the Town's part. The Bd agreed to prepare a brief press release from this Exec. Sess. for the next BOS mtg.

Adjournment

At 8:50 PM, motion BAT, second BOE, unan. to return to Reg. Sess. and adjourn this Exec. Sess. A roll call vote was as follows: PCH-Aye; BAT-Aye; BOE-Aye; DJR-Aye.

For the Board of Selectmen, by
Nancy L. Ring

Exec Sess held Nov 3 re coll barg (8:45 PM)

Exec. Sess. held Nov. 3, 1980 (8:45 PM) to disc an arbitrator's award under Ch 372, Sect 3-Coll Barg. Members present were: Mr. Hart, Miss Towle, Mr. Carson, Mr. Emerson, and Mr. Ready. Norman Thidemann, ES, and Nancy Ring, Recording Clerk, were also present.

Reid grievance Hwy Dept

The arbitrator's decision re Reid Grievance was discussed. The decision states that Mr. Reid must be reimbursed for lost pay during the period of his demotion as well as being reinstated as Class I Engineering Equip Operator. This would mean a possible demotion for Rchd Soucier. At the moment Mr. Soucier could maintain his present status due to a vacancy caused by illness of a H.D. employee-Mr. Purcell. If a demotion becomes necessary, however, the Bd agreed to place a letter in Mr. Soucier's personnel file stating that the arbitrator's decision is the only reason behind the demotion. Motion BAT, second JWC, unan to send a letter to the H.D. stating that Mr. Reid has been reinstated to his former classification and that his back payment is to be processed, also that Mr. Soucier is to continue at his present rate for the time being.

Adjournment

At 9 PM, motion BAT, second JWC, unan. to go out of Exec. Session. A roll call vote was as follows: PCH-Aye; BAT-Aye; JWC-Aye; BOE-Aye; DJR-Aye.

For the Board of Selectmen, by
Nancy L. Ring

Executive Session held December 15, 1980 at 8:10 p.m.to discuss pending litigation with Town Counsel James Harrington. Members present were: Mr. Hart, Miss Towle, Mr. Carson, Mr. Emerson and Mr. Ready. Norman Thidemann, Ex. Sec. was also present.
The case in question was Gervais Investment Trust vs. Town of Chelmsford, a zoning matter, and Atty. Harrington wanted the Board's directions in whether or not to proceed with the matter in Appeals Court. He indicated that the chances of winning an appeal are about 50-50.
Motion BOE, second JWC, to instruct Town Counsel to drop the case. Vote 4 to 1 in favor, BAT opposed.
At 8:20 p.m. motion BAT, second JWC, to return to open session. Roll call vote was as follows: BAT-Aye; JWC-Aye; BOE-Aye; DJR-Aye; PCH-Aye.

Ex. Sess. Dec. 15, 1980 Gervais Land Investment Land Court Case

For the Board of Selectmen, by

Judith E. Carter

Executive Session held March 2, 1981 at 9:55 p.m. to discuss Town strategy relative to the North School fire. Members present were: Mr. Hart, Miss Towle, Mr. Carson, Mr. Emerson, Mr. Ready. Also present, Norman Thidemann, Exec. Sec., Town Counsel James Harrington and Finance Comm. Ch. George Ripsom. After a discussion of the issues, the BOS voted unan. that all negotiations will go through Town Counsel. The Executive Secretary was instructed to work with the Town Counsel. It was also voted unan. to transfer from the Reserve Fund sufficient money to meet expected litigation expenses relative to the North School fire. Executive Session adjourned at 10:25 p.m.

Ex. Sess. March 2, 1981 Town strategy North School fire

For the Board of Selectmen, by

Evelyn L. Towle

Executive Session held March 23, 1981 at 6:45 p.m. to discuss strategy with regard to litigation. Members present were: Miss Towle, Mr. Carson and Mr. Ready. Judith Carter, Recording Clerk, was also present.
Town Counsel James Harrington brought the Board up to date on the settlement of the insurance claim on the North School fire. He said that C.Q. Construction was engaged to do the appraisal for the Town, and there were questions relative to structural damage so the Town engaged a structural engineer. He is hoping that the insurance on the school will be released on Friday. Highway Dept. rates for labor and equipment have been forwarded to the company and it is hoped that demolition can start next Monday. The Board asked him to check with D.E.Q.E.and to get prices from accepted landfills for dumping the debris. The School Dept. is still compiling a list of equipment and materials lost. C.Q. will report whether it is feasible to save the slab and tunnels.
Mr. Harrington also told the Board that there are 2 ways in which Town Mtg. can be postponed: 1. open on April 27 as posted and adjourn to a certain date; and 2. under the temporary state statute, re-post the meeting for a later date.
At 7:05 p.m. motion JWC, second DJR, to adjourn to open meeting. Roll Call vote was as follows: JWC-Aye; DJR-Aye; BAT-Aye.

Ex. Sess. March 23, 1981 North School Fire Insurance Settlement

Postponement of Annual Town Mtg.

For the Board of Selectmen, by

Judith E. Carter

Executive Session March 23, 1981 Article re Sale of Sheehan Property to Ralph Parlee

Executive Session held March 23, 1981 to consider the purchase, exchange, lease or value of real property. Members present were: Mr. Hart, Miss Towle, Mr. Carson, Mr. Emerson and Mr. Ready. Judith Carter, Recording Clerk, was also present. Attorney Joseph B. Shanahan, Jr. told the Board that his client, Ralph Parlee, is proposing a 3rd article on the Sheehan property for the Town Mtg. Warrant - that since he has made improvements to the property during the 3 years he has leased it from the Town, he would like to purchase the property on 2 conditions 1. that it would be used only for agricultural purposes; and 2. if in the future the Town wanted it for municipal purposes, they could buy it back at fair farm market value, or the price Mr. Parlee paid for it.
Motion BAT, second JWC, unan. to place an article similar to the article selling the Emerson property to Dr. Currie in 1978 to sell the Sheehan property to Ralph Parlee for $70,000 with Agricultural Preservation Restrictions and allowing the Town to buy back the property at any time at either fair farm market value or the purchase price. Mr. Shanahan will tell his client that the Board would support an article with a selling price of $100,000. He will consult with Mr. Parlee and draft an article to submit to the Board.
At 10:05 p.m. motion BAT, second JWC, to return to open meeting. Roll Call vote was as follows: BAT-Aye; JWC-Aye; BOE-Aye; DJR-Aye; PCH-Aye.

For the Board of Selectmen, by

Judith E Carter

Executive Session March 31, 1981 Pending Litigation as it is an emergency situation under Chap. 39

Executive Session held March 31, 1981 to discuss pending DiBiase litigation as it is an emergency situation under Chap. 39. Members present were: Mr. Hart, Miss Towle, Mr. Carson and Mr. Ready. Executive Secretary to the BOS, Norman E. Thidemann and Recording Clerk, Evelyn Newman, were also present. Town Counsel, James Harrington, present. Attorneys Clement McCarthy and Robt. Sullivan were present with Richard Simmons (Meredith & Grew, Inc.)

The provisions under Chapter 39 provide for a Special Meeting as a sudden generally unexpected occurence or set of circumstances demanding immediate action.

Attorney McCarthy explained the DiBiase litigation stating that on Dec. 28, 1971 the Town took the land on Mill Road for Conservation purposes. On Dec. 6, 1971 (approx.) the owners of the land filed for a comprehensive permit under the snob zoning law. At the time of the taking, the Mill Road land was zoned for single resident dwellings. After the taking and for several years thereafter the snob zoning petition of DiBiase was processed through the local zoning board and the Housing Appeals Committee. At the time of the taking, the order of taking provided that the Town would advance an amount we think the land is worth, that amount being $135,000, and is the higher of two estimates that the Town had from local appraisers. In 1974 the Housing Appeals Committee, after 12/14 hearings, resolved the issue in favor of the DiBiase family, but conditioned the resolution upon their clarifying the title of the land since the order of taking was on file with the Registry. The issue then went before the court with respect to the validity of the taking and in early 1976 the Town was sustained in the taking by the Supreme Judicial Court. Under normal eminent domain situations the owner of the land is allowed two years to file his petition in court. This did not apply here because they challenged the taking, and under the Law had they accepted the pro tanto agreement of $135,000, they would have lost their right to contest the taking. On Jan. 10, 1972 we made an offer in compliance with the law of the $135,000 pro tanto so in effect we stopped the interest of 6% running on that $135,000 only.

Attorney McCarthy stated that the law as it now stands and has been developed over a period of ten years, the DiBiases are allowed to put into evidence the probability of re-zoning, and this evidence has been admitted. As of the date of the taking there is a petition for the snob zoning comprehensive permit and there is the actual resolution of the Housing Appeals Board giving them the comprehensive permit. This is a mandatory type of re-zoning. The Judge sitting on the case has been indicating to counsel that he believes that a Jury in putting the case in the perspective of probable re-zoning could well award the DiBiases' highest figure of $1,400,000 and this would carry interest of about 60%. Counsel was informed that the plaintiff's expert did very well. The Judge asked if there had been any negotiations, and there have not. The matter has been resolved, to this point, subject to the approval of the Board of Selectmen, for a total of $585,000. The $135,000 that has been paid will be credited so payment would be in the amount of $450,000 on an execution. Interest and costs will not be added to this figure. The Judge will charge the Jury with the probable change of zoning. The value of the land based on multiple use was discussed and there is a possibility of a value of $869,450 with interest. The composition of the Jury was discussed. Attorney McCarthy stated that he felt that it was in the best interest of the Town to settle the case for $450,000. Counsel also explained to the BOS that appeals are available in all litigation, but he is reporting to the Selectmen that the Judge has sustained all of their objections and he has not made any appealable errors at this time.

Motion BAT counsel be authorized to enter into a judgment in the amount of $585,000 with instructions to obtain proper credit for monies already paid in the total amount of $135,000 to result in a net of $450,000 paid by the Town on an Execution issued by the Court. Motion seconded by JWC.

Voting in favor: Paul C. Hart, Bonita A. Towle, John W. Carson.
Opposed: Dennis J. Ready.

At 8:55 p.m. motion BAT, second JWC, to return to open meeting. Roll Call vote was as follows: PCH-Aye; BAT-Aye; JWC-Aye; DJR-Aye.

For the Board of Selectmen, by
Evelyn L. Newman

Executive Session held March 31, 1981 to discuss pending litigation with Finance Committee. Members present were: Mr. Hart, Miss Towle, Mr. Carson and Mr. Ready. Executive Secretary to the BOS, Norman E. Thidemann and Recording Clerk, Evelyn Newman were also present, along with FinCom members.

Executive Session, March 31, 1981 Finance Comm. to discuss pending litigation

Chairman Hart explained to the members of the FinCom that the DiBiase case has been settled for $450,000. This money will be taken from the Free Cash Account and will further reduce the Town operating budget for Fiscal 1982. FinCom Chairman asked the Exec. Secretary to check into applying to the State for re-imbursement of half of the $ 450,000 agreed upon as the payment to D and B. Homebuilders for land on Mill Road, since the land is conservation land.

At 10:00 p.m. motion BAT, second JWC, to return to open meeting. Roll Call vote was as follows: PCH-Aye; BAT-Aye; JWC-Aye; DJR-Aye.

For the Board of Selectmen, by
Evelyn L. Newman

Warrant Articles re: Sale of Sheehan Property

Executive Session of the Board of Selectmen held April 27, 1981 at 8:30 p.m. to consider the purchase, exchange, lease or value of real property. Members present were: Mr. Hart, Mr. Ready, Mr. Harvey and Miss Towle. Ex. Sec. Norman Thidemann and Recording Clerk Judith Carter were also present, as were members of the Finance Committee and Conservation Commission.
Atty. Joseph B. Shanahan, Jr. said his client, Ralph Parlee, was requesting that the Board omit the article for open bidding on the Sheehan property from the ATM Warrant. After discussion, motion DJR, second CAH, to withdraw all 3 articles referring to the Sheehan property from the Warrant. Vote was 3 in favor, 1 opposed (BAT).
At 9:00 p.m. motion DJR to adjourn to open meeting. Roll Call vote was as follows: DJR-Aye; CAH-Aye; BAT-Aye, and PCH-Aye.

For the Board of Selectmen, by
Judith E. Carter

Discussion with Fire Chief re Article to rescind "Strong Chief" law

Executive Session held April 27, 1981 at 9:00 p.m. to discuss strategy with respect to collective bargaining or litigation. Members present were: Mr. Hart, Mr. Ready, Mr. Harvey and Miss Towle. Ex. Sec. Norman Thidemann and Recording Clerk Judith Carter were also present.
Fire Chief Frederick Reid was present to ask the Board about the article on the ATM Warrant to rescind the "Strong Chief" law, and why after 27 years, this was being placed on the warrant. The Board indicated that they feel they need the same control over all departments - Police, Highway, Fire, etc. in view of Prop. 2½. and that the purpose of this article is nothing personal against Chief Reid. There was discussion as to the best way to cut $70,000 more from the Fire Dept. budget - the Chief wants to cut one man from each shift, and the Board favors eliminating the positions of Deputy Chief and Fire Prevention Officer. A meeting had been held with Atty. Ames, the Chief and the Union to discuss the minimum manning clause.
At 9:45 p.m. motion DJR to return to open meeting. Roll Call Vote was as follows: DJR-Aye; CAH-Aye; BAT-Aye; PCH- Aye.

For the Board of Selectmen, by
Judith E Carter

Fire Dept. Grievance re: Overtime

Executive Session held May 4, 1981 at 9:15 p.m. to dicuss a grievance submitted by the Fire Dept. Union . Members present were: Mr. Hart, Mr. Ready, Mr. Emerson, Mr. Harvey and Miss Towle. Norman Thidemann, Ex. Sec., Judith Carter, Recording Clerk, and Atty. Martin Ames were also present, as well as the Fire Chief.
The grievance was brought by Capt. James Spinney regarding overtime not being charged against the firefighter working same under Article 14 of the Union contract. Mr. Harvey did not take part in the discussion or vote. Motion DJR, second BOE, to discuss this grievance with the labor relations advisor, Mr. Ames. The vote was 4 in favor, 1 abstention (Mr. Harvey). After discussion, motion DJR, second BOE, to direct the Ex. Sec. and Mr. Ames to work up the wording of a directive on overtime procedure, to separate emergency overtime from regular overtime, and when this memorandum has been initialled by 3 Board members, it will be official. The vote was 4 in favor, 1 abstention (Mr. Harvey).

Police Dept. Grievance re: Interpretation of term "Officer"

The Board then met with Police Sgt. Raymond McCusker, representing the 4 sergeants on the Police Dept. Chief Raymond McKeon and Deputy Chief Fitts were also present. The griveance involved interpretation of Article XV of their union contract, specifically the term "officer". Motion DJR, second BOE, unan. to discuss this matter with the labor relations advisor and get back to the union. Motion BOE, second DJR, unan. to determine whether the term "officer" was meant to include Captains, and if so, move to deny the grievance.
At 10:15 p.m. motion DJR to return to open meeting. Roll Call Vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; BAT-Aye; PCH- Aye.

For the Board of Selectmen, by
Judith E. Carter

Executive Session held May 18, 1981 at 8:45 p.m. to discuss collective bargaining with the Town Hall Employees' Union. Members present were: Mr. Hart, Mr. Ready, Mr. Emerson, Mr. Harvey and Miss Towle. Norman Thidemann, Executive Secretary, and Judith Carter, Recording Clerk, as well as Martin Ames, Labor Relations Advisor, were also present.

Executive Session May 18, 1981 Town Hall Employees' Union Negotiations

Atty. Ames reported that he, the Ex. Sec. and the Town Accountant had met with the employees bargaining team, and they are requesting a one year contract, with a 12% wage increase. They are also asking to place the Adm. Asst. to the Assessors on parity with the Asst. Town Clerk and Asst. Treasurer. Atty. Ames requested the Board's authority to negotiate with a 7% maximum wage increase in mind, which is the increase being given to the Police, Fire and Highway Unions. He said it would cost between $10 - $12,000 to grant these increases. After discussion, motion DJR, second BOE, unan. to schedule a meeting with all elected department heads for Thursday, May 21, at 7:00 p.m. (Executive Session) to see if they will take any negotiated increase for the employees under them out of their existing departmental budgets without mentioning the 7% figure, and to ask the Ex. Sec. to find 7% in those budgets which come under the BOS jurisdiction.

At 9:27 p.m., motion DJR to return to open meeting. Roll Call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; BAT-Aye; PCH-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session held May 21, 1981 at 7:00 p.m. at the McCarthy Junior High School at 7:00 p.m. to discuss collective bargaining with the Town Hall Employees Union. Members present were: Mr. Hart, Mr. Ready and Mr. Emerson. Norman Thidemann, Ex. Sec. and Judith Carter, Rec. Clerk were also present. George Ripsom, Fin. Comm. Ch., Assessors Janet Lombard and Ruth Delaney, and Town Clerk Mary St. Hilaire and Asst. Town Clerk Betty Zamanakos were also present.

Executive Session May 21, 1981 Elected Dept. Heads re: Town Hall Employees Union

Mr. Hart said the reason for the meeting is a problem with renegotiating the Town Hall Employees contract - if an increase is agreed on, there is no money to fund raises - each department will have to come up with the rate of increase. Mr. Ready read a letter from the Treasurer asking the BOS to find some free surplus cash - stating that he would have to lay off personnel to fund any increases. Mr. Hart indicated that there are 2 choices: 1. go for a 0 increase; or 2. make lay-offs or cuts in service to fund any negotiated increase. Ms. Lombard suggested that the Town could appeal to increase the tax base. Use of money from the Reserve Fund was discussed, and Mr. Ripsom indicated that it is not set up for money of this type - that extra unemployment payments and other unknown factors may take most of it. Mr. Hart stated that other departments with union contracts and also departments under the Personnel Board have made cuts in personnel and juggled money to pay wage increases. Mr. Ripsom said they did not consider this when the FinComm was setting budgets, and he would confer with the other members. The contract would have to be ratified at a Special Town Mtg. Mr. Emerson suggested negotiating the best contract we can and then live with it. The meeting adjourned at 7:30 p.m.

For the Board of Selectmen, by

Judith E. Carter

Executive Session held June 9, 1981 at 7:05 p.m. to discuss strategy with respect to litigation on the North School fire insurance settlement. Members present were: Mr. Ready, Mr. Emerson, Mr. Harvey and Miss Towle. Norman Thidemann, Executive Secretary, and Judith Carter, Recording Clerk, were also present. James M. Harrington, Town Counsel, George Ripsom and George Nelson, FinComm, and William Cress, C_Q Construction Co. were also present, as was Ernest Day, Town Accountant.

Executive Session June 9, 1981 Insurance on North School

Atty. Harrington submitted a 4 page report on the progress of the insurance

settlement. He said that the Town is trying to settle on a Actual Cash value basis, replacement cost less depreciation. Mr. Harrington said he would advise the Board to settle for $1.5 million for the building and waive replacement rights, and take $360,000 for contents, minus $55,000 for kitchen equipment and 15% depreciation. He will try to convince the insurance compnay to pay more than the $5,000 coverage for police protection, which has cost app. $12,000.
Mr. Day requested that the settlement funds not come to the Town before July 1st. Mr. Harrington said he is negotiating with the Dept. of Revenue for the money to go back into general funds rather than 10 year bonds. The Fin Comm reps indicated that they are not in favor of turning all the insurance money for contents over to the School Dept. - only enough to replace what they really need.
Miss Towle left the meeting at 7:45 p.m.
Motion BOE, second CAH, unan. to authorize Town Counsel to go for a final settlement along the lines presented tonight. Mr. Thidemann said that Miss Towle and Mr. Hart both wished to be recorded in favor of this approach.
At 8:00 p.m. motion BOE, second CAH, to return to open meeting. Roll Call vote was as follows: BOE-Aye; CAH-Aye; DJR-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Sess. June 29, 1981

Executive Session of the Board of Selectmen held Monday, June 29, 1981 at 8:30 pm. Members present were: Mr. Hart, Mr. Ready, Mr. Emerson, Mr. Harvey and Miss Towle. Norman E. Thidemann, Executive Secretary, Judith Carter, Recording Clerk, and Martin Ames, Labor Relations Advisor, were also present.

Town Hall Employees Union Bargaining

Atty. Ames reported that another bargaining session was held with the Town Hall Employees Union on Wednesday, and that the clerks are asking for a 10% 1-year contract. It was agreed that they would be offered 7%, and if accepted, the Town would try for a 7-5-4 contract. Funding of the increases was discussed, and each department head will be told to come up with the money either out of present budgets or through a transfer from the FinCom.
Motion DJR, second BOE, unan. to authorize Mr. Ames and Mr. Thidemann to offer up to 7-5-4 for a 3-year contract.

2-yr. Extension of Rubbish Coll. Contract with BFI.

Motion DJR, second BOE, unan. to extend the current rubbish collection contract with BFI for an additional two years, with a cost of living increase as indicated in the present contract to be in effect for the ectension period.
At 9:00 p.m. motion DJR, second BOE, to return to open meeting. Roll Call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; BAT-Aye and PCH-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session Aug.10,1981

Executive Session of the Board of Selectmen held Monday, August 10, 1981 at 9:10 p.m. Members present were Mr. Ready, Mr. Emerson and Mr. Harvey. Norman E. Thidemann, Executive Secretary, Evelyn L. Newman, Recording Clerk, Fire Chief Reid and Martin Ames, Labor Relations Advisor, were also present, and Harvey Miller and his Atty., Thomas A. Hickey.

Grievance - Fire Dept.

DJR stated to all present that the Board is granting the hearing at their discretion, that two Board members are missing tonight and we would take whatever is said tonight under advisement.

Attorney Hickey stated that there has already been a hearing before the Retirement Board and they directed him to come to the Town of Chelmsford. Attorney Hickey reported that he is here tonight representing firefighter, Harvey Miller. He said that Mr. Miller has been a permanent member of the Firefighters in Chelmsford since 1960. A hearing was held before the Middlesex

Retirement Board on June 9, 1981. Substantial evidence was presented concerning a claim of Mr. Miller that he suffered injuries on the job in Chelmsford. He suffered injuries that led him to believe that he is entitled to accidental disability retirement benefits. Two specific injuries were claimed, while in the performance of his duties as a firefighter, and Atty. Hickey claimed, were substantiated by affidavits. As the result of both accidents, medical evidence was submitted to the retirement board, and substantiated by three physicians, that Mr. Miller is totally and permanently incapacitated. The problem originates because of the two year limitation statute within the retirement law. In Mr. Miller's case, according to three doctors, Mr. Miller developed a serious disease wherein the vertebrae begins to disintegrate. He did not find out until June 6, 1980, confirmed by a Specialist on August 4, 1980. Atty. Hickey explained that he is looking for some guidance from the BOS and the Fire Chief. Firefighter Miller had his last day of service on December 31, 1980. He then took a vacation for 7 weeks. He has submitted that during the period of his vacation he informed the Fire Chief that he was suffering from a back injury. He did not get a response from the Chief and he then took sick leave. He has not received any benefits. Chief Reid said that he received a letter from a doctor re: Mr. Miller on June 23, 1981.

At 10:05 p.m. motion BOE, second CAH, to return to open meeting. Roll Call vote was as follows: BOE-Aye; CAH-Aye; DJR-Aye.

For the Board of Selectmen, by

Evelyn L. Newman

Executive Session of the Board of Selectmen held Tuesday, September 1, 1981, at 9:45 p.m. to discuss the reputation and character, physical condition or mental health rather than the professional competence of an individual. Members present were: Mr. Hart, Mr. Ready and Mr. Harvey. Norman Thidemann, Executive Secretary, was also present, as was Police Chief Raymond McKeon and Deputy Chief Pennryn Fitts.

Discussion re Police Dept. Psychological Tests and Appointments

Francis Conlon was present and asked the Chief to explain why his name was bypassed on the list from which permanent patrolmen in the Police Dept. were appointed, stating that he was informed by the Dept. that he was least qualified and by psychologist Dr. Seymour that he was least recommended. Chief McKeon stated that he had met with Dr. Seymour to discuss this matter, and that some applicants may qualify to take the psychological tests again, and others have problems that could be easily resolved. Test results may differ in the same individual from time to time.

After the Chief's explanation, motion DJR, second CAH to return to open meeting at 10:00 p.m. Roll Call vote was as follows: DJR-Aye; CAH-Aye; PCH-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, September 14, 1981 at 9:50 pm to discuss strategy with regard to collective bargaining. Members present were Mr. Hart, Mr. Ready, Mr. Emerson, Mr. Harvey and Miss Towle. Norman Thidemann, Executive Secretary, Judith Carter, Recording Clerk, and Atty. Martin Ames, Labor Relations Advisor, were also present.

Collective Bargaining - Town Hall Employees Union

Mr. Ames reported that there have been 4 or 5 meetings with the Town Hall Employees Union, and most issues have been resolved except for salaries. The Union is asking for $14/week retroactive to July 1, 1981, and $14/week effective Jan. 1, 1982, which is 10.8%. The Town has offered $10/week, or 5.1%. Mr. Ames said the union is trying to get their base rate higher, and that they want a 2½ year contract, rather than 3. They are meeting Thursday with a mediator. Motion BOE, second DJR, to instruct Mr. Ames to hold the position he has been following - 7%, 5% and 4%. Vote on the motion was 3 in favor, 2 opposed (BAT and CAH).

On the Police Dept. Grievance of Sgt. Raymond McCusker Mr. Ames reported that an informal agreement has been reached with the union that the Dept. will maintain a Saregeant on duty on early AM shift only, on weekends. Motion DJR, second BOE, unan. to authorize Mr. Ames to prepare the legal documents to waive the application of the minimum manning except as noted through June 30, 1982.

Mr. Hart asked Mr. Ames re the Harvey Miller grievance, with the Fire Chief a "Strong Chief", does the Board really have any right to discuss this grievance, and Mr. Ames answered he thought it did not.

Motion DJR, second BOE, to go out of Executive Session at 10:25 pm. Roll Call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; BAT-Aye; PCH-Aye.

For the Board of Selectmen, by
Judith E. Carter

Harvey Miller Grievance

Executive Session of the Board of Selectmen held September 14, 1981 at 10:26 pm relative to hearing complaints or charges brought against an employee. Members present were Mr. Hart, Mr. Ready, Mr. Emerson, Mr. Harvey and Miss Towle. Norman Thidemann, Executive Secretary, Judith Carter, Recording Clerk and Atty. Martin Ames were also present. Fire Chief Frederick Reid and Firefighter Harvey Miller were also present.
Mr. Hart told Mr. Miller that the Board and the Chief agree that this is a matter between the appointing authority, Chief Reid, and Mr. Miller, If Mr. Miller attorney says he feels the Board is wrong, he may come to the Board again, but otherwise, further negotiations should be between Mr. Miller, his attorney, Chief Reid and Atty. Ames.
Motion DJR,second BOE, unan. to grant Chief Reid the use of Labor Relations Advisor Ames during these negotiations.

Mr. Harvey requested that a Hold be placed on the appointment of a Public Bldg. Custodian since he knows of another person who may be interested (George Ducharme). He also recommended that in the future, any applicant be asked to sign his permission before we have the Police Dept. run a check on him.

Motion DJR, second BOE, to return to open meeting at 10:35 pm. Roll Call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; BAT-Aye; PCH-Aye.

For the Board of Selectmen, by
Judith E. Carter

Strategy re Collective Bargaining with all unions

Executive Session of the Board of Selectmen held October 19, 1981 at 9:05 p.m. for the purpose of dicussing strategy with regard to collective bargaining. Members present were Mr. Hart, Mr. Ready, Mr. Emerson and Mr. Harvey. Norman Thidemann, Executive Secretary, and Judith Carter, Recording Clerk, were also present. Mr. Hart told the members that the Police Fire, Highway and Cemetery contracts all expire June 30, 1981, and he would like representatives of the Board to meet with representatives of the different unions without hired labor negotiators present before formal negotiations commence. He suggested that liaison Board members - CAH-Highway, BAT-Police and BOE-Fire - and the Chairman attend the first sessions. He requested each Board member to look over the present contracts and have a list of any changes he would suggest prepared for an Executive Session at the next meeting of the Board on November 2nd.

The Board discussed whether they would try to stay with 7-5-4, or possibly see if the unions would accept a "signing bonus" policy, which would keep the base salaries lower.
The great amount of overtime paid in the Police and Fire Depts. was discussed, and the Ex. Sec. will check with Atty. Ames to see if it would be more feasible to hire additional personnel, or if this would conflict with the minimun manning clauses.
It was decided that as standard procedure members will meet alone for part of each Executive Session in the future, with the Ex. Sec. and Rec. Clerk returning at the end of the session for any motions, etc.
Letters will be sent to the Police and Fire Chiefs and Highway Supt. asking them for any recommendations they may have on the contracts - how to improve them, etc. and have these recommendations to the Board by November 2nd.
Motion DJR, second BOE, unan. to authorize Mr. Hart and Mr. Harvey to meet with representatives of the Town Hall Employees Union, without any negotiators present, to try to settle the contract presently under negotiation.
At 10:05 pm motion DJR, second BOE, to return to open meeting. Roll Call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; PCH-Aye.

For the Board of Selectmen, by

Judith C. Carter

Ex. Session Nov. 2, 1981 re: Collectiv Bargaining

Executive Session of the Board of Selectmen held Monday, November 2, 1981 at 9:25 p.m. for the purpose of discussing strategy with regard to collective bargaining. Members present were: Mr. Hart, Mr. Ready, Mr. Emerson and Mr. Harvey. Norman Thidemann, Executive Secretary and Martin Ames, Esq., Labor Relations Advisor, were also present.
Recommendations received from the Police Chief regarding the the new contract which will be negotiated in the next few months were discussed, including the "Quinn Bill" and minimum manning.
Mr. Ames discussed his own recommendations on the Police and Fire contracts with the Board. The Board also discussed a "bonus plan". At the next Executive Session of the Board the Police Chief will be requested to come in to discuss the contract with Board members.
At 11:30 p.m. motion DJR, second BOE,to return to open meeting. Roll Call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; PCH-Aye.

For the Board of Selectmen, by

Norman Thidemann

Ex.Session Nov. 16,1981 Re: Collective Bargaining

Executive Session of the Board of Selectmen held Monday, Nov. 16, 1981 at 9:30 p.m. for the purpose of discussing strategy with regard to collective bargaining. Members present were: Mr. Hart, Mr. Ready, Mr. Emerson and Mr. Harvey. Norman Thidemann, Executive Secretary and Police Chief Raymond McKeon and Deputy Police Chief Pennryn Fitts were also present.
The Board of Selectmen discussed the negotiations with the Town Hall Employees Union. The Board unanimously authorized Claude A. Harvey and Paul C. Hart to offer the Union a three year contract at 7% first year, 5% second year and 4% the third year with $5.00 per week upon signing. Classification would become effective during the second year of the contract.
The Board of Selectmen discussed the various proposals of the Police Chief vis-a-vis the Police contract.

The Board of Selectmen agreed on the following:

1. Quinn bill - rejected.
2. The BOS agreed on all the other recommended changes proposed by the Police Chief. The Chief and Pennryn Fitts are to submit new language re: Minimum Manning, Extra Paid Details, Sick Leave and Overtime Procedures.

Motion DJR, second BOE, to go out of Executive Session at 12:05 a.m. Roll Call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; PCH - Aye.

For the Board of Selectmen, by

Norman E Thidemann

Town Counsel re McGee land taking

Executive Session of the Board of Selectmen held Monday, November 23, 1981 at 7:00 p.m. for the purpose of discussing pending litigation and stragegy with regard to collective bargaining. Members present were: Mr. Hart, Mr. Ready, Mr. Emerson, Mr. Harvey and Miss Towle.
Attorney Clement McCarthy and Attorney Sullivan were present to discuss the McGee land-taking case. Motion BOE, second DJR, unan. to retain Kenneth Harkins as an appraiser in this case.

Town Hall Employees Contract

The Board then met with Ernest Day, Town Accountant, to discuss the Town Hall Employees contract. Motion DJR, second CAH, to ratify the agreement submitted by Labor Relations Advisor Martin Ames. Vote was as follows: BAT, DJR and CAH in favor, BOE and PCH opposed.
Motion BOE, second CAH, unan. to also offer a 2 year contract agreement to the union.
At 9:30 p.m. motion DJR to adjourn the meeting. Roll Call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; BAT-Aye; PCH-Aye.

For the Board of Selectmen, by

Dennis J. Ready
JC

Town Hall Employees Contract

Executive Session of the Board of Selectmen held Monday, December 7, 1981 at 11:30 pm to discuss strategy with respect to collective bargaining. Members present were: Mr. Hart, Mr. Ready, Mr. Emerson, Mr. Harvey and Miss Towle. Norman Thidemann, Ex. Sec., was also present.
After discussion, motion DJR, second BOE, unan. to ratify the Memorandum of Agreement with the Town Hall Employees Union dated November 24, 1981.
At 11:50 p.m. motionDJR, second BOE to return to open meeting. Roll call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; BAT-Aye; PCH-Aye.

For the Board of Selectmen, by

Norman E Thidemann

Meeting with FinCom and Personnel Bd. re Salary Increases

Executive Session of the Board of Selectmen held Monday, January 4, 1982 at 8:30 pm to discuss strategy with respect to collective bargaining. Members present were: Mr. Hart, Mr. Ready, Mr. Emerson, Mr. Harvey and Miss Towle. Norman Thidemann, Executive Secretary and Judith Carter, Recording Clerk, were also present, as was Alan Murphy, CH, Personnel Board, and George Ripsom and Bill Edge of the Finance Committee.
Mr. Hart told Mr. Murphy that the Personnel Board memo stating that they have approved a 7% increase for Town employees in FY83 causes 2 problems for the Board: there are negotiations going on with 3 unions, and there is not money available for raises of this amount. The Town Accountant has indicated that the best we can do

is hope for level funding from the state. He added that fixed costs are going up and that the Board has settled with 1 union for 2½% for FY83. Mr. Ripsom said that we are already facing a 5% shortfall from level funding. Mr. Murphy stated that the teachers will receive 7% with a contract that expires in July, 1983. Mr. Hart noted that the School Dept. can make cuts in other areas to obtain the money for raises, but that the Board would have to make cuts in the Police and Fire Depts. or lay off more personnel, which it does not want to do. Mr. Murphy then said that since the Pers. Board issued this memo, the rate of inflation has come down and the minimum wage is not increasing this year and that the Pers. Board will rescind this memo and not come out with a recommended raise figure at this time. All present agreed that the 3 Boards will have to work very closely together and keep in touch with what the others are doing.
Motion DJR, scond BOE, that the Board return to open session at 8:55 p.m. Roll Call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye BAT-Aye; PCH-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session held Jan. 18, 1982 Collective Bargaining

Executive Session of the Board of Selectmen held January 18, 1982. Members present were: Mr. Hart, Mr. Ready and Mr. Emerson. Norman Thidemann, Executive Secretary, was also present. The purpose of the meeting was to discuss strategy with regards to collective bargaining.
The Ex. Sec. gave the Board a review of the estimated FY83 budget so as to apprise the Board of the levels of limits the Board could offer in collective bargaining negotiations.
The Board instructed the Ex. Sec. to contact the Police and Fire Dept. unions to see if they are interested in sitting down with the Board without legal counsel on either side to commence negotiations. The Ex. Sec. was instructed by the Board of prepare a list of contract provisions that the Board will attempt to remove or amend from the existing contracts. The Board will discuss these provisions in Executive Session at the February 8th BOS meeting.
Motion DJR, second BOE, to return to open session at 10:10 p.m. Roll Call vote was as follows: DJR-Aye; BOE-Aye; PCH-Aye.

For the Board of Selectmen, by

Norman E. Thidemann

Executive Sess held Feb. 8, 1982 re Coll. Bargaining w/ Fire Dept.

Executive Session of the Board of Selectmen held February 8, 1982 at 10:15 pm. Members present were: Mr. Hart, Mr. Ready, Mr. Emerson, Mr. Harvey and Miss Towle. Norman E. Thidemann, Executive Secretary, and Fire Chief Frederick Reid were also present. The purpose of the meeting was to review, with the Chief, the Board's offers to the Fire Department Union. The recommendations of Chief Reid and the Ex. Sec. were discussed and approved by the BOS. Selectmen Hart and Emerson, Chief Reid and the Ex. Sec. were scheduled to meet with the Fire Dept. union on February 11, 1982 at 1:00 p.m.
Motion DJR, second BOE, to return to open meeting at 10:55 p.m. Roll Call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; BAT-Aye; PCH-Aye.

For the Board of Selectmen, by

Norman E. Thidemann

Collective Bargaining Discussions with Fire Chief

Executive Session of the Board of Selectmen held 1982. Members present were: Mr. Hart, Mr. Ready, Mr. Emerson and Mr. Harvey. Norman Thidemann, Ex. Sec. and Fire Chief Frederick Reid were also present. The purpose of the meeting was to discuss strategy with regards to collective bargaining.
Negotiations with the Fire Department Union were discussed and it was agreed by all present to offer the union a 2½% wage increase.
At 7:30 p.m. motion DJR, second BOE, to adjourn to the Regular Session. Roll Call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; PCH-Aye.

For the Board of Selectmen, by

Ex. Sess. re Purchase of East School by Boy Scouts

Executive Session of the Board of Selectmen held March 8, 1982 at 8:15 pm to consider the purchase, exchange, lease or value of real property. Members present were: Mr. Hart, Mr. Ready, Mr. Emerson, Mr. Harvey and Miss Towle. Norman Thidemann, Executive Secretary and Judith Carter, Recording Clerk, were also present, as were Attorneys Martim Ames and James Harrington.
Mr. Ames said that the Boy Scouts do not need the land at the East School, that they just are interested in purchasing the building. Chairman Hart said that the BOS is not ready to support their proposal that they pay $1.00 per year for 15 years and then $1,000 per year for another 15 years. Mr. Ames said that they are hoping to spend $75 - $85,000 for improvements, but do not have much money at present to purchase the building. The Board agreed that they might sell the building if the price were right. Town Counsel Harrington said that the BOS would not have to go out for bid to sell the property, but would need 2 appraisals and can sell it at whatever is voted at Town Meeting. Mr. Ames will furnish the Board with a list of 3 or 4 appraisers from which they can choose two, at the expense of the Scouts. Mr. Ames further stated that they only want the building and .7 acres of land, and will continue to let the Town use the building as a polling place, etc. He also mentioned that they are having problems with Rec. Comm. equipment stored there, and the Board told him they are trying to solve that problem.
Motion DJR to adjourn to open meeting at 8:30 p.m. Roll Call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; BAT-Aye; PCH-Aye.

For the Board of Selectmen, by
Judith E. Carter

Ex. Sess. Collective Bargaining Fire and Highway Dept. Unions

Executive Session of the Board of Selectmen held March 8, 1982 at 9:55 p.m. to discuss strategy with regard to collective bargaining. Members present were: Mr. Hart, Mr. Ready, Mr. Emerson, Mr. Harvey and Miss Towle. Norman Thidemann, Executive Secretary, was also present.
The Board agreed to hold firm with their proposal to the Fire Dept. union of 2½%. They discussed the proposed contract changes with the Highway Dept. contract and agreed with the changes as outlined by the Ex. Sec. They agreed to offer the Highway Dept. 2½%.
Motion DJR, at 10:15 p.m. to adjourn to open meeting. Roll Call vote was as follows: PCH-Aye; DJR-Aye; BOE-Aye; CAH-Aye; PCH-Aye.

For the Board of Selectmen, by

Exec. Sess. Sale of Mill Rd. prop.

Executive Session of the Board of Selectmen on May 25, 1982 to discuss the sale of the Mill Road property. Exec. Session began at 8:09pm. Members present: Mr. Ready, Mr. Harvey, Mr. Emerson, Miss Towle and Mr. Hart. Norman Thidemann Executive Secretary, was also present. The purpose of the exec. sess. was to discuss the price and strategy relative to the sale of the Mill Road property to Mr. Harry Vandermeer as authorized by Town Meeting. Motion CAH, sec. BOE, to reject the price of $8,600. That motion passed 4-1. Chairman Ready opposed. Motion CAH, sec. BOE unan. to have Mr. Vandermeer present at exec. sessi on.

March 22, 1982 Collective Bargaining Highway Dep

Executive Session of the Board of Selectmen held March 22, 1982, to discuss strategy with regard to collective bargaining at 10:00 p.m. Members present were: Mr. Hart, Mr. Ready, Mr. Emerson, Mr. Harvey and Miss Towle. Norman Thidemann, Execuitve Secretary, Harold Gray, Supt. of Streets, and Martin Ames, Labor Relations Advisor, were also present.
Discussion centered on the decision of the Labor Relations Commission concerning the Unfair Labor Practices charge brought by the Highway Dept. Union. Motion DJR, second BOE, unan. to file an appeal.
Motion DJR, second BOE to adjourn to open meeting at 10:55 p.m. Roll Call vote was as follows: DJR-Aye; BOE-Aye; CAH-Aye; BAT-Aye; and PCH-Aye.

For the Board of Selectmen, by

April 5,1982 Unfair Labor Practice - Highway Dept.

Executive Session of the Board of Selectmen held April 5, 1982 at 7:45 p.m. to discuss strategy with regard to collective bargaining. Members present were: Mr. Ready, Mr. Harvey, Mr. Emerson, Miss Towle and Mr. Hart. Norman E. Thidemann, Executive Secretary, was also present as was Attorney Richard Donohue.
The Unfair Labor Practice matter filed by the Highway Department was discussed.
Motion CAH, second BOE, unan. that Attorney Donohue be appointed Special Counsel to handle this matter for the Town.
At 8:30 p.m. motion CHA, second BOE, to return to open meeting. Roll Call vote was as follows: CAH-Aye; BOE-Aye; BAT-Aye; PCH-Aye; DJR-Aye.

For the Board of Selectmen, by

April 12, 198

Labor Negotiations - Highway

Executive Session of the Board of Selectmen held April 12, 1982 at 9:40 p.m. to discuss strategy with regard to collective bargaining. Members present were: Mr. Ready, Mr. Harvey, Mr. Emerson, Miss Towle and Mr. Hart. Norman Thidemann, Excutive Secretary, was also present.
Board discussion centered around proposed bonuses to be offered to Unions. It was unanimously voted to hold on these for the time being. It was also unanimously voted to have Attorney Martin Ames, Labor Relations Advisor, present at all bargaining sessions with the Highway Dept. Union.
Motion CAH, second BOE, to go out of Executive Session at 9:58 p.m. Roll Call vote was as follows: CAH-Aye; BOE-Aye; BAT-Aye; PCH-Aye; DJR-Aye.

For the Board of Selectmen, by

Mr. Vandermeer entered the executive session and the Chairman of the Board of Selectmen told Mr. Vandermeer that the price for the Mill Road property would be $15,000. Mr. Vandermeer accepted the price of $15,000 and his original letter offering to buy the property for $8,500 was amended to $15,000. All parties, including Mr. Vandermeer and the Board of Selectmen signed or initialed the amended letter.
Motion CAH, to adjourn to open meeting at 8:28 p.m. Roll Call vote was as follows: DJR-Aye; CAH-Aye; BOE-Aye;BAT-Aye;PCH-Aye.

For the Board of Selectmen,By
Norman E. Thidemann

Executive Session
Jack Smith
Grievance
May 25, 1982

Executive Session of the Board of Selectmen on May 25, 1982 to discuss grievance of Jack Smith, Fire and Police Depts. mechanic. Executive Session began at 8:33 p.m. Members present: Mr. Ready, Mr. Harvey, Mr. Emerson, Miss Towle and Mr. Hart. Norman Thidemann, Executive Secretary, was also present. After a lengthy discussion by Mr. Smith over some of the problems he is having with both the Police and the Fire Chiefs Motion was made and unan. passed recommending that the Board of Selectmen meet with both the Fire and the Police Chiefs in an attempt to resolve Mr. Smith's differences and if they cannot be resolved then he should come back to the Board.
Motion CAH, to adjourn to open meeting at 9:03 p.m.

For the Board of Selectmen,By
Norman E. Thidemann

Ex.Sess.
May 13, 1982
Collective
Bargaining

Executive Session of the Board of Selectmen on May 13, 1982. Executive Session began at 8:05 p.m. Members present: Mr. Ready, Mr. Harvey, Mr. Emerson, Miss Towle and Mr. Hart. Norman Thidemann, Executive Secretary, was also present. Vote to go into Executive Session was unanimous. The main purpose of the meeting was to discuss an offer by the Fire Department that would add steps to contract. This offer was unanimously rejected by the Board. Also, PCH made a motion which was seconded and passed on a 3 - 2 vote (Mr. Emerson and Miss Towle opposed) in which we were to offer the Fire Chief & the Police that we will pay the Captain more money if the Deputy Chief and the Fire Prevention Officer positions are deleted. Discussion was centered on the the Police's offer to the Board and this discussion went over each article on an individual basis with the bargaining committee instructed as to the Board's position relative to the Police Union offers. It was also voted unanimous that the Executive Secretary is to investigate the cost of dental plans and the cost of each one percent cost in Blue Cross and Blue Shield. Discussion was also held relative to the Highway Department contract and it was voted 3-1 with CAH opposed and Miss Towle absent to send a letter to the Highway Dept. Union to terminate the Highway contract on June 30, 1982. (this letter was mailed on May 25, 1982). Mr. Emerson made a Motion to reconsider which was seconded by Mr. Hart and after discussion the Motion failed on a 2-2 vote. On a further motion Mr. Emerson moved that the Executive Secretary check with Mr. Ames relative to the termination letter and its impact on the present contract. This was passed unanimously. It was voted to go out of Exec. Session at 9:57 p.m.

Norman E. Thidemann

Executive Session June 7, 1982 Pol. Dept. Grievance

Executive Session of the Board of Selectmen held June 7, 1982 at 8:30 p.m.to discuss the grievance of Patrolman John McGeown re the bidding of shifts in the Police Dept. Members present were: Mr. Ready, Mr. Harvey, Mr. Emerson and Mr. Hart. Norman Thidemann, Executive Secretary, Judith Carter, Recording Clerk, Police Chief McKeon, Deputy Chief Fitts, Patrolman McGeown and two representatives of the Police Union were also present.Mr. McGeown stated that he feels the Town is in violation of Art. IX, Section B of the contract - Shift Bidding. He said that when he went to bid on the last opening on the 4 pm to midnight shift he was informed by Deputy Chief Fitts that this position would not be filled. Deputy Chief Fitts explained that he posted this opening out of courtesy, that the department is now one man short, and that on all other shifts a man out sick would have to be replaced, but not on this particular shift. Mr. McGeown said that if they knew the position wasn't going to be filled, they shouldn't have posted it. He also added that he did not feel that it was discrimination that he could not bid that position. If Inspector Finnegan comes back to work, that position would be his, but if Mr. Finnegan should resign, Mr. Mcgeown would have preference over a new man, according to the Deputy. Chairman Ready said Mr. McGeown will be notified as to the Board's decision, and the union members left the meeting room.

Motion PCH, second BOE, unan. to deny the grievance, since the Board sees no violation of the contract.

Mr. Hart suggested that Chief McKeon work through the state Police Chiefs Assoc. to try to solve the chronic problem with Civil Service, and the dept. never has enough men on their list.

The Board told the Chief that they feel the position of Junior Clerk should be readvertised, and the Chief said they had hired a girl after interviewing all the applicants 3 months ago. Motion BOE, second CAH, to appoint Apolonia Plaister, 74 Billings Street, Lowell as Junior Clerk. Vote was 2 in favor (BOE and CAH) and 2 opposed (PCH and DJR.) Motion failed. It was suggested that this appointment be put on the agenda for the next meeting and the Board ask for a letter from Dep. Chief Greska explaining how this position was filled without an appointment by the Board.

Motion PCH, second CAH, unan. to reconsider this in open meeting and support the appointment of Ms. Plaister.

The closing of the Route 3 rest area was briefly discussed.

At 9:10 p.m. motion CAH, second BOE, to go out of Executive Session. Roll Call vote was as follows: CAH-Aye; BOE-Aye; PCH-Aye; and DJR-Aye.

For the Board of Selectmen, by

Judith E. Carter

Ex. Session June 28, 1982 re Coll. Bargaining

Executive Session of the Board of Selectmen held June 28, 1982 at 8:42 p.m. Members present were: Mr. Ready, Mr. Harvey, Mr. Emerson, Miss Towle and Mr. Hart. Norman Thidemann, Executive Secretary, was also present, as were FinCom members George Ripsom, George Nelson and Elizabeth Marshall. Discussion centered around recent pay raises to School Nurses and School Aides (5½ to 7%) and their impact on bargaining with Town employees, i.e. holding the line at 2½% increases. Discussion ended and no votes taken. At 9:05 p.m. motion CAH, second BOE, to adjourn to Open Meeting. Roll Call vote was as follows: CAH-Aye; BOE-Aye; BAT-Aye; PCH-Aye, and DJR-Aye.

For the Board of Selectmen, by

Norman Thidemann

Ex. Session June 28, 1982 re pending legal matters

Executive Session of the Board of Selectmen held June 28, 1982 at 9:49 p.m. Members present were Mr. Ready, Mr. Harvey, Mr. Emerson, and Mr. Hart. Norman Thidemann, Executive Secretary, and James Harrington, Town Counsel, were also present. The Executive Session was called for the purpose of discussing several pending legal matters and the recent suicide in the Town jail. As a result of this meeting and on the advice of Town Counsel a statement was prepared and released to the press concerning the issues. Also the probability of future legal action was discussed. There were no votes taken during this session. At 10:30 p.m. motion CAH, second BOE, to go out of Executive Session. Roll Call vote was as follows: CAH-Aye; BOE-Aye; PCH-Aye; and DJR-Aye.

For the Board of Selectmen, by

Norman Thidemann

Executive Session of the Board of Selectmen held August 12, 1982 at 7:40 pm for the purpose of discussing strategy re collective bargaining. Members present were Mr. Ready, Mr. Harvey, Mr. Emerson and Mr. Hart. Norman E. Thidemann, Executive Secretary and Police Chief Raymond McKeon were also present.
The Board voted unanimously to remain firm on 3 patrolmen as minimum manning for days.
The Board voted unanimously to offer the Fire Department union 5% for firefighters and 10% for Captains.
Motion CAH, second BOE, to go out of Executive Session at 8:05 p.m. Roll Call vote was as follows: CAH-Aye; BOE-Aye; PCH-Aye, and DJR-Aye.

Ex. Sess. August 12 - Police and Fire Negotiations

For the Board of Selectmen, by

Norman E. Thide

Executive Session of the Board of Selectmen held September 27, 1982 at 7:08 p.m. Members present were Mr. Ready, Mr. Harvey, Mr. Emerson, Miss Towle and Mr. Hart. Norman E. Thidemann, Executive Secretary and Fire Chief Frederick Reid were also present.
The Board voted unanimouly to offer 7% across the board to the Fire Dept. Union.
Motion CAH, second BOE, to go out of Executive Session at 7:27 p.m. Roll Call vote was as follows: CAH-Aye; BOE-Aye; BAT-Aye; PCH-Aye, and DJR-Aye.

Ex. Sess. Sept. 27 - Fire Negotiations

For the Board of Selectmen, by

Norman E. Thide

Executive Session of the Board of Selectmen held on October 12, 1982 at 8:25 p.m. Members present were Mr. Ready, Mr. Harvey, Mr. Emerson, Miss Towle and Mr. Hart. Norman E. Thidemann, Executive Secretary, Atty. Martin Ames, Labor Relations Advisor and Carlos Santiago, Executive Secretary, Boy Scouts, were also present. The purpose of the Executive Session was to discuss the sale of the East School to the Greater Lowell Council of Boy Scouts. Motion made by Selectman Emerson that a recommendation go to the Annual Town Meeting that we sell the property and that at the Annual Town Meeting we disclose what the appraisals are and the final price to be determined by Town Meeting. That Motion failed for lack of a second. Second Motion made by Paul C. Hart, Sec. Sel. Bonnie Towle that the Board of Selectmen recommend the sale of the East School to Town Meeting to sell the property to the Boy Scouts at the highest appraised value ($28,000) with the words written into the Bill of Sale that the Town would have the right to use the East School for public purposes such as voting, special meetings, meetings of the East Water District, etc. This Motion was unanimously voted. Motion CAH, second BOE, to go out of Executive Session at 8:45 p.m. Roll Call vote was as follows: CAH-Aye; BOE-Aye; BAT-Aye; PCH-Aye, and DJR-Aye.

Ex. Sess. Oct. 12, 1982 Discuss sale of East School

For the Board of Selectmen , by

Norman E. Thide

Executive Session of the Board of Selectmen held on October 12, 1982 at 9:07 p.m. Members present were Mr. Ready, Mr. Harvey, Mr. Emerson, Miss Towle and Mr. Hart. Norman E. Thidemann, Executive Secretary was also in attendance. The purpose of the meeting was to discuss collective bargaining and discussion centered around the Fire, Police and Highway contracts. It was unanimously voted that the Town offer Fire, Police and Highway a one year contract at 7%. It was further voted that in order for the Highway unions to receive the 7% they must agree on an approved list of past practices. It was further discussed and agreed by the Board that the Clerical Union was due for an upgrade to the 7% level and it was further recommended that the Board seek a 2½% increase for

Ex. Sess. Oct. 12, 1982 Collective Bargaining

the Clerical Union for Fiscal 1984. This was passed unanimously. Motion CAH, second, BOE, to adjourn to open meeting at 9:25 p.m. Roll call vote was as follows: DJR-Aye; CAH-Aye; BOE-Aye; BAT-Aye; PCH-Aye.

For the Board of Selectmen, By
Norman Thidemann
at 9:20 p.m.

Ex.Sess. Oct. 25, 1982 Pending Litigation and Collective Bargaining

Executive Session of the Board of Selectmen on October 25, 1982/to discuss pending litigation and collective bargaining. Members present: Mr. Ready, Mr. Harvey, Mr. Emerson and Mr. Hart. Norman Thidemann, Executive Secretary, was also present. After considerable discussion of the Popplewell retirement disability case it was decided that the Selectmen's office was to send a letter to the Retirement Board requesting a meeting re: the Popplewell case and actively attempt to negotiate a settlement with Mr. Popplewell so that the back pay owed to him could be paid. Motion, CAH, Sec. BOE. to adjourn to Open Meeting at 10:13 p.m. Roll Call vote was as follows: DJR-Aye; CAH-Aye; BOE-Aye PCH-Aye.

For the Board of Selectmen, By
Norman Thidemann

Ex. Sess. Dec. 6, 1982 Pending Litigation - Mobile Home Park

Executive Session of the Board of Selectmen on December 6, 1982 at 9:55 pm to discuss strategy re pending litigation. Members present were: Mr. Ready, Mr. Harvey, Mr. Emerson, Miss Towle and Mr. Hart. Norman Thidemann, Executive Secretary, Judith Carter, Clerk, and James M. Harrington, Town Counsel, were also present. Board members had all received summons re the Rent Control by-law, and also have been requested to be ready to appoint the Rent Control Board as soon as the by-law is approved by the Attorney General. Mr. Harrington stated that last Thursday Atty. London representing the owners of the Trailer Park had filed for a preliminary injunction to prevent the Board from making appointments to the Rent Control Board. The allegation is that the General Court did not find any emergency in the Town, and that there was no emergency preamble included by the petitioner. There is a 90-day wait on every Act unless an emergency preamble is inserted. They are also alleging that the Town has taken over their property by passing a rent control by-law, and that the Town is discriminating against mobile homes. Chairman Ready asked Mr. Harrington to defend the Town in this case. Mr. Harrington advised the Board not to appoint any Rent Control Board until the by-law is approved by the Attorney General, since the Board does not have the power to do so until that time.
Motion BOE, second CAH, to go out of Executive Session at 10:15 pm. Roll Call vote was as follows: CAH-Aye; BOE-Aye; BAT-Aye; PCH-Aye; DJR-Aye.

For the Board of Selectmen, by
Judith E. Carter

Ex. Sess. Jan. 3, 1983 Coll. Barg. w/School Committee

Executive Session of the Board of Selectmen on January 3, 1983 at 9:30 pm to discuss strategy with regard to collective bargaining. Members present were: Mr. Harvey Miss Towle, Mr. Hart and Mr. Ready. Norman Thidemann, Ex. Sec. and Judith Carter, Recording Clerk, were also present. Members of the School Committee present were: Mr. Taylor, Mr. Hilliard, Mr. Poulton and Mr. Gavriel, as well as Supt. of Schools Alan Bradshaw, Asst. Supt. Roger Smythe, and Personnel Director Dr. Mellen.
Mr. Ready stated that the purpose for the session is for the two Boards to discuss setting up possible guidelines for each to use in collective bargaining with all the Town unions under their jurisdiction. Mr. Taylor said that the School Dept. has used a figure of 5% increase for budgeting purposes but would not want to set a ceiling on salary increases prior to bargaining since the word ceiling is an unfair labor practice. Mr. Hilliard indicated that the School Comm. has prepared 3 budgets - 0 increase, level service and what the Supt. would like in the budget. Mr. Hart asked what about Prop. 2½ - that if the School Comm. takes more than a 2½% increase, then other Town services will have to be cut. The School Comm. said they

will take whatever is approved at Town Meeting. Mr. Bradshaw asked what the BOS thinks about the Town paying more BC/BS in lieu of raises, and other types of insurance packages. The Ex. Sec. will get data from the Town Accountant on this possibility and the data will go into the School Dept. computer.
At 10:50 pm motion Mr. Hart, second Miss Towle, to return to open meeting. Roll Call vote was as follows: CAH-Aye; BAT-Aye; PCH-Aye; DJR-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen on January 24, 1983 at 8:31 p.m. to discuss pending litigation in the Police Dept. Members present were: Mr. Ready, Mr. Harvey, Mr. Emerson, Miss Towle and Mr. Hart. Norman E. Thidemann, Executive Secretary was also present, and Police Chief McKeon and Deputy Chiefs Greska and Fitts. No votes were taken.
Motion, CAH, sec. BOE to go out of Executive Session at 9:05 p.m. Roll Call vote was as follows: DJR-Aye; CAH-Aye, BOE-Aye, PCH-Aye; BT-Aye.

Exec. Session Jan. 24, 1983 Pending Litigation Police Dept.

For the Board of Selectmen, By

Norman E. Thidemann

Executive Session of the Board of Selectmen on January 31, 1983, at 10:30 p.m. Members present were: Mr. Ready, Mr. Harvey, Mr. Emerson, Miss Towle and Mr. Hart. Norman E. Thidemann, Executive Secretary was also present. Discussion centered on Collective Bargaining issues. Motion was made and unanimously passed that Norman E. Thidemann would begin Collective Bargaining process on behalf of the Board of Selectmen and that he would inform the Bd. of Selectmen of scheduled sessions with unions in event that any Board of Selectmen member wishes to attend. It was further emphasied that any agreements reached between the Executive Secretary and Unions are subject to final Board of Selectmen approval. Executive Secretary was also instructed to gather financial information relative to Blue Cross/Blue Sheld coverage and Dental coverage.

Exec. Session Jan. 31, 1983 Strategy re: Collective Bargaining

For the Board of Selectmen,
By Norman E. Thidemann

Executive Session of the Board of Selectmen held February 14, 1983 at 10:20 pm to discuss collective bargaining. Members present were: Mr. Ready, Mr. Harvey, Mr. Emerson and Mr. Hart. Norman E. Thidemann, Executive Secretary, was also present. Various issues re collective bargaining and the FY84 budget were discussed. No votes were taken.
at 10:55 pm motion CAH, second BOE, to return to open meeting. Roll Call vote was as follows: CAH-Aye; BOE-Aye; PCH-Aye; DJR-Aye.

Ex. Sess. Feb. 14, 1983 Strategy re Collective Bargaining

For the Board of Selectmen, by

Norman E. Thidemann

Ex. Sess. March 7, 1983 re Collective Bargaining

Executive Session of the Board of Selectmen held March 7, 1983 at 8:15 p.m. for the purpose of discussing collective bargaining issues. Members present were: Mr. Ready, Mr. Emerson and Miss Towle. Also present were Norman E. Thidemann, Executive Secretary, and Alan Murphy and J. Rene Scutt of the Personnel Board.
Motion BOE, second BAT, unan. to approve the Personnel Board plan as outlined.
Motion BOE, second BAT, to go out of Executive Session at 8:56 p.m. Roll Call vote was as follows: BOE-Aye; BAT-Aye; DJR-Aye.

For the Board of Selectmen, by

Norman E. Thidemann

Ex. Sess. March 21, 1983 re Pending Litigation

Executive Session of the Board of Selectmen held March 21, 1983 at 8:45 p.m. for the purpose of discussing pending litigation. Members present were: Mr. Ready, Mr. Harvey, Mr. Emerson, Miss Towle and Mr. Hart. Norman E. Thidemann, Executive Secretary, Judith Carter, Clerk, James Harrington, Town Counsel, were also present, as well as Board of Health reps. Paul McCarthy, Richard Day, John Emerson and FinCom member Liz Marshall. Discussion was held about the DEQE mandate to close the Swain Road Landfill and various options the Town can use in doing so. Motion PCH, second BOE, unan. that the BOS support closing the facility by September 1st and also an article for $12,000 for the engineering fees to do so. Mrs. Marshall also supported the article.
At 9:20 p.m. motion CAH, second BOE, to return to Open Meeting. Roll Call vote was as follows: CAH-Aye; BOE-Aye; BAT-Aye; PCH-Aye and DJR-Aye.

For the Board of Selectmen, by

Norman E. Thidemann

Ex. Sess. Apr. 11, 1983 re Fire Dept. Grievance

Executive Session of the Board of Selectmen held April 11, 1983 at 8:45 p.m. for the purpose or discussing collective bargaining or litigation. Members present were: Mr. Harvey, Miss Towle, Mr. Emerson, Mr. Hart and Mr. Ready. Norman E. Thidemann, Executive Secretary and Judith E. Carter, Recording Clerk, were also present, as were Fire Chief Frederick Reid, Deputy Fire Chief James Sousa and Firefighter Philip Dube.
Mr. Dube had brought a grievance against the Fire Chief, which was denied by the Chief, regarding medical payments and use of sick leave for a job-related injury. After discussing the matter, motion BOE, second BAT, unan. that the rules and regulations of the Fire Dept. as pertain to medical treatment be adhered to as recommended by the Chief. ,otion PCH, second DJR, unan. to place the second part of the grievance (re-instatement of sick leave) on Hold until the BOS can discuss the matter with Labor Relations Advisor Martin Ames.
at 9:05 p.m. motion PCH, second BAT, to return to Open Meeting. Roll Call vote was as follows: BAT -Aye; BOE-Aye; PCH-Aye; DJR-Aye; CAH-Aye.

For the Board of Selectmen, by

Judith E. Carter

Ex. Sess. May 2, 1983 re pending litigation - Trailer Park

Executive Session of the Board of Selectmen held May 2, 1983 at 9:15 p.m. to discuss pending litigation. Members present were: Mr. Harvey, Mr. Emerson, Mr. Hart and Mr. Ready. Norman Thidemann, Ex. Sec., Judith Carter, Recording Clerk and James M. Harrington, Town Counsel, were also present. Mr. Harrington told the Board that the Trailer Park Rent Control By-law has been declared illegal by the Superior Court on April 22, and the BOS has 30 days in which to appeal the decision. An appeal would cost $2500 - $3000, and he would recommend not appealing. Motion PCH, second DJR, unan. to not appeal the ruling.
On the Dube grievance, the Ex. Sec. reported that the firefighters union does not want to fight with the BOS, and they feel that Dube's doctor bills should not be paid but his sick leave should be reinstated.

Union President Bill Dalton had asked the Ex. Sec. if he could play the tape of the last Ex. Session when the grievance was discussed, and if he could have a copy of Attorney Ames' opinion on the matter. Motion BOE, second PCH, unan. to allow Mr. Dalton to listen to the tape, but not to give him a copy of the opinion.
At 9:45 p.m. motion PCH, second BOE, to adjourn to Open Meeting. Roll Call vote was as follows: BOE-Aye; PCH-Aye; DJR-Aye; and CAH-Aye.

For the Board of Selectmen, by
Judith E. Carter

Executive Session of the Board of Selectmen June 13, 1983 - See Pages 63A and 64A.

Executive Session of the Board of Selectmen held July 11, 1983, for the purpose of discussing strategy with regard to collective bargaining. Members present were: Mr. Harvey, Miss Towle, Mr. Emerson, Mr. Hart and Mr. Ready. Norman E. Thidemann, Executive Secretary, and Judith Carter, Recording Clerk, were also present. Executive Session July 11, 1983

Deputy Police Chief Pennryn Fitts was present to discuss Article XXI of the Police union contract, dealing with overtime and outside details. He said that this revised article tightens things up and clears up some details. Motion BOE, second DJR, unan. to approve this draft of Article XXI. Police Contract

Town Hall Union promotions were discussed. Motion PCH, second BOE, that each office be allowed only one Departmental Assistant and one Principal Clerk. Vote was 4 in favor, 1 opposed (BAT). Mr. Harvey said that the Board of Registrars want to meet in Ex. Session with the BOS if Sandra Kilburn is not appointed Departmental Assistant. Motion DJR, second BAT, to make Mrs. Kilburn Departmental Assistant to the Board of Registrars. Vote was 2 in favor (DJR and BAT), 3 opposed (CAH, BOE and PCH). Motion BAT, second DJR, unan. that the Board of Registrars be invited to attend the BOS next meeting. Motion PCH, second BOE, to approve the promotions as recommended by Mr. Thidemann, with the exception of the Treasurer's Office, who will be instructed to submit one name, not two, for Principal Clerk. Vote was 4 in favor, 1 opposed (BAT). Town Hall Union Promotions

The Fire Department contract was discussed. The Board instructed the Ex. Sec. to add to Article 11 - replacement of furniture " subject to the approval of the Chief" and on the replacement of clothing, "at the discretion of the Chief".
The Ex. Sec. reported that an inpsection of the Center School showed evidence of some asbestos. Wang will take care of this, and the cost will be deducted on a long-term basis from the rent.
At 10:05 p.m. motion BAT, second BOE, to adjourn. Roll Call vote was as follows: BAT-Aye; BOE-Aye; PCH-Aye; DJR-Aye; CAH-Aye.

For the Board of Selectmen, by
Judith E. Carter

Executive Session of the Board of Selectmen held Tuesday, August 16, 1983 for the purpose of discussing a Police Dept. grievance. Members present were: Mr. Harvey, Miss Towle, Mr. Emerson, and Mr. Ready. Norman Thidemann, Executive Secretary, and Judith Carter, Clerk to the Board, were also present. Present from the Police Department were Chief Raymond McKeon and Deputy Chief James Greska, and union reps. Henry McEnany and Richard Adams. Ronald Leach who had filed the grievances was also present. Ex. Sess. Aug. 16, 1983 Pol. Dept. Grievance

Mr. Leach retired from the Dept. August 1, 1983 and filed 4 grievances claiming he was owed more money for sick time, vacations, longevity and overtime since he claims that he worked an 8 hour day and was paid for a 7½ hour day for the past five years. Deputy Greska said that a grievance had been filed by the union in March, 1978 asking for time and one-half after 37½ hours and the union and the town agreed that the work week would average 37½ hours per week over a 6 week period on the 4-2 plan. After discussion of the various grievances it was decided that the

basic question is do the patrolmen work 37½ or 40 hours per week Motion DJR, second BAT, unan. to take the grievances under advisement and will respond to Mr. Leach prior to August 24 so that he will have time to file an appeal or go to arbitration. Chairman Harvey closed the hearing at 9:50 p.m.

Mr. Emerson reported that the renovation of the Old Town Hall is running app. $25,000 over the budget due to the architect's bill for the construction phase, some items not identified in the original specs, Fire Dept. and Bldg. Inspector requirements, etc. Motion DJR, second BAT, unan. to go to the Finance Committee and request a Transfer from the Reserve Fund for the whole amount.

Miss Towle left the meeting at 10:00 p.m.

The Board then discussed the purchase of police cruisers with Chief McKeon and Deputy Greska. The Chairman told them that the BOS is not pleased with the way the purchase of cruisers and equipment was handled, that they should have asked the BOS for approval before making the trade-ins and purchases. Chief McKeon said that it was done to facilitate the process and was a "past practice" to handle it in this manner. Chairman Harvey told him that only the BOS has the right to sell Town equipment and in the future the Board should be notified of any major contracts or purchases. Motion DJR, second BOE, unan. to authorize Deputy Greska to reserve 3 new cars (out of 5 budgeted) and to notify the BOS in writing of the terms. The Chief will look into other alternatives for the other 2 cars before October 15.

At 10:45 p.m. motion BOE, second DJR, to adjourn. Roll Call vote was as follows: BOE-Aye; DJR-Aye; CAH-Aye.

For the Board of Selectmen, by

Judith E. Carter

Sept. 12, 1983

Collective Bargaining re Principal Clerks Treasurer's Office

Exec utive Session of the Board of Selectmen held Monday, September 12, 1983 at 10:45 p.m. for the purpose of discussing collective bargaining. Members present were Mr. Harvey, Mr. Emerson, Mr. Hart and Mr. Ready. Norman Thidemann, Executive Secretary, Judith Carter, Recording Clerk and Town Treasurer/Tax Collector James Doukszewicz were also present.

The Treasurer had been requesting the Board for 2 Principal Clerks in his office Margaret Mullen and Lorraine Parkhurst. The Board told him that the union contract calls for only 1 Principal Clerk per office, although the Board can waive this, and that the Board does not want everyone to become a Principal Clerk. The Treasurer said that since the promotion should be based on seniority, if he can have only 1 Principal Clerk, it should be Mrs. Parkhurst. Mr. Harvey told him he could try again next year for a second Principal Clerk. Motion BOE, second DJR, unan. to promote Mrs. Parkhurst to Principal Clerk. A letter will be sent to the Accounting Department tomorrow morning indicating that this promotion is retroactive to July 1, 1983.

Mr. Ready said he has a problem with Martin Ames being appointed to the Finance Committee and also being a negotiator for the Town. Motion BOE, second PCH, unan. to ask Mr. Ames to an Executive Session to discuss this matter.

At 11:10 pm motion BOE, second DJR, to adjourn the meeting. Roll Call vote was as follows: BOE-Aye; PCH-Aye; DJR-Aye; CAH-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held June 13, 1983 to discuss pending litigation and collective bargaining. Members present were: Mr. Emerson, Mr. Hart, Mr. Ready and Mr. Harvey. Norman Thidemann, Executive Secretary, and Judith Carter, Recording Clerk, were also present.

The Board first met with Town Counsel James Harrington and Attorney Joseph Shanahan, Jr., representing James Soucier, Highway Dept. employee involved in an alleged altercation at the Landfill. After a lengthy discussion about who should represent Mr. Soucier on his criminal charges, the position the BOS is taking, action that should have been taken by the BOS, suspensions for actions of this type in the future, etc. motion PCH, second BOE, that the Town will not defend Mr. Soucier in the criminal action. Vote was as follows: DJR-No; PCH-Yes; BOE-Yes; CAH-Yes. Motion passed 3 - 1. Motion BOE, second DJR, to request Labor Relations Advisor Martin Ames to draft procedures for the Board to follow in the future. Mr. Ames, who had joined the meeting, said the first level supervisor, an elected or appointed department head, should have the right to suspend employees for good cause, or for any action with potential civil action, similar to the Civil Service rule. Vote on Mr. Emerson's motion was unanimous in favor.

DJR asked Town Counsel about writing to Cable TV to request the second 2-way access channel. He said that the contract does not state clearly that the Town is entitled to two 2-way channels, but it is his contention that this is in the contract, although Lowell Cable says it is not.

Fire Chief Frederick Reid was present with Attorney Ames to discuss the case of Firefighter Joseph Lynch. Mr. Lynch is trying to collect temporary disability pending a decision from the County Retirement Board for what he claims is a work related injury that occurred in 1976. Chief Reid stated that he was never out with the supposed injury and he has denied the benefits. After discussion the BOS told the Chief that they support his denial of the claim.

DJR asked Chief Reid if there was a problem with the fire on Summer Street and the Chief said that his department had responded at 9 am for smoke, that the heating units had been turned on that day for the first time, that the owners had agreed not to turn on the heat again until 6 pm but that one of the tenants turned it on at noon and caused the fire. He feels there is no case against the Town because the building was turned over. the owner and contractor at noon.

The Dube grievance was discussed with the Chief. Mr. Dube was reinstated for sick leave and now wants reimbursement for chiropractic expenses. The union supports the grievance for $200 for medical bills. The Ex. Sec. advised that the BOS split the difference, but the Chief felt that this would be precedent setting. The BOS told the Chief to fight the grievance.

Regarding the Town Hall Union promotions, motion DJR, second BOE to table until the next meeting. Vote was unanimous in favor of the motion.

The Ex. Sec. reported that on Fire Department negotiations the Union has accepted the package (which was sent to each BOS member) on a 26 - 15 vote. The Board agreed with the proposed package except for the following: 2 shifts with pay for the Union President; and the BOS favors allowing $1,000 per year for the replacement of furnishings damaged because of leaks in roofs of the stations to be spent at the discretion of the Chief. The BOS

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did not agree with an extra personal shift off, but keep it to 3 as it is in the present contract. The Union is asking for the option to bid off shifts, but the BOS backs the Chief in denying this option.

Motion BOE, second DJR, unanimous to have the Ex. Sec. obtain appraisals of the Waite land for a land-taking and to send the plan of the proposed Acton Road widening to the Urban Systems Advisory Committee.

At 11:15 p.m. motion BOE, second DJR, to go out of Executive Session. Roll Call vote was as follows: BOE-Aye; PCH-Aye; DJR-Aye; CAH-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, November 7, 1983 at 9:00 p.m. for the purpose of discussing pending litigation. Members present were: Mr. Harvey, Miss Towle, Mr. Emerson, Mr. Hart and Mr. Ready. Norman Thidemann, Executive Secretary, and James M. Harrington, Town Counsel, were also present. The purpose of the meeting was to discuss the Niemaszyk and Ferreira cases. Town Counsel briefed the Board on the status of these cases and brought them up to date relative to the progress being made in making both individuals conform to the zoning by-law. After some discussion the Board was of the opinion that the two cases are progressing at a satisfactory rate and that no further Board action at this time is necessary. There were no votes taken.
At 9:35 p.m. motion BAT, second BOE, to end the Executive Session. Roll Call vote was as follows: BAT-Aye; BOE-Aye; PCH-Aye; DJR-Aye; CAH-Aye.

Executive Session Nov. 7, 1983 Pending Litigation

For the Board of Selectmen, by

Executive Session of the Board of Selectmen held Monday, November 21, 1983 at 8:25 pm for the purpose of discussing collective bargaining. Members present were: Mr. Emerson, Mr. Ready and Mr. Harvey. Norman Thidemann, Executive Secretary, was also present.
The purpose of the session was to bring the Board up to date relative to the Highway Department contract negotiations. After some discussion it was unanimously agreed to instruct the Executive Secretary to proceed with the negotiations as he had outlined to the Board.
At 8:50 p.m. motion BOE, second DJR, to go out of Executive Session. Roll Call vote was as follows: BOE-Aye; DJR-Aye; CAH-Aye.

Ex. Sess. Nov. 21, 1983 Collective Bargaining

For the Board of Selectmen, by

Executive Session of the Board of Selectmen held Monday, December 5, 1983 at 8:12 pm Members present were: Miss Towle, Mr. Emerson, Mr. Hart and Mr. Ready. Norman Thidemann, Executive Secretary, was also present. The purpose of the session was to discuss longevity for Highway Dept. union employees as part of their contract. After discussion, the vote was 3 in favor (BAT, DJR and BOE), 1 opposed (PCH) to agree to the longevity clause as requested by the negotiators.
At 8:25 pm motion BOE, second DJR, to return to open meeting. Roll Call vote was as follows: BOE-Aye; PCH-Aye; DJR-Aye; BAT-Aye.

Ex. Sess. Dec. 5, 1983 Collective Bargaining - Highway

For the Board of Selectmen, by
Judith E. Carter

Executive Session of the Board of Selectmen held Monday, December 5, 1983 at 10:00 pm. Members present were: Miss Towle, Mr. Emerson, Mr. Hart and Mr. Ready. Norman Thidemann, Executive Secretary, and Judith Carter, Recording Clerk, were also present as were the members of the Cable TV Commission. The purpose of the session was to discuss possible pending litigation against Lowell Cablevision. All agreed that they are dissatisfied with the increased rates and decreased services, and also the fact that they have not provided the Town with the second access channel. Sy Locke, CATV Comm. pointed out that the contract does not say "they will provide" this, rather that "they have the capability" or "will be available". He feels they are living up to the contract, but their public relations is terrible. PCH suggested that we consult with counsel with expertise in this type of matter, and Mr. Locke said he will contact Attorney Charles Beard, who he feels is the best

Ex. Sess. Dec. 5 Cable TV Comm. re Pending Litigation

Ex. Sess. with Cable TV Comm. cont'd

cable lawyer in the state and find out his rate. Mr. Ready asked the Commission to compile a list of all violations in the contract, check on the attorney and list all items not in the contract that we are dissatisfied with, if the attorney thinks the Town may have a case. There was also discussion on fundraising and setting up a revolving fund at the Annual Town Meeting.
Motion DJR, second BAT, unan. to to appoint a sub-committee for funding, with access to Town Counsel on how to set up a revolving fund. Members of the sub-committee will be: Dick Ste.Marie, Patt Moser and Walter Kivlan from the Cable TV Comm. and Bradford Emerson and Paul Hart from the BOS.
Motion DJR, second BOE, unan. to have Mr. Locke draft a letter to the Governor asking that the state commission be more favorable to the cities and towns.
It was agreed that there will be quarterly meetings between the BOS, CATV Comm. and Lowell Cablevision.
The Ex. Sec. was asked by Ms. Moser to check for snow tires for the van.
At 10:45 pm motion DJR, second BOE, to adjourn. Roll Call vote was as follows: BOE-Aye; PCH-Aye; DJR-Aye; BAT-Aye.

For the Board of Selectmen, by
Judith E. Carter

Jan.26,1984

Executive Session Up date on Pending Litigation

Executive Session of the Board of Selectmen held Monday, January 23, 1984 at 10:10 p.m. for the purpose of discussing pending litigation. Members present were Mr. Harvey, Mr. Emerson, Mr. Ready, Miss Towle and Mr. Hart. Norman E. Thidemann, Exec. Secretary, Board of Selectmen and Town Counsel James Harrington were also present.
The Board of Selectmen was brought up to date on several cases of pending litigation.
At 10:30 p.m. motion BOE, second DJR. to adjourn meeting. Roll Call vote was as follows: BAT-Aye; BOE-Aye; PCH-Aye; DJR-Aye; CAH-Aye.

For the Board of Selectmen, by
Norman E. Thidemann

Ex. Session Feb. 27, 1984 Pending Litigation

Executive Session of the Board of Selectmen held Monday, February 27, 1984 at 9:00 pm for the purpose of discussing pending litigation. Members present were Mr. Harvey, Mr. Hart and Mr. Ready. Norman Thidemann, Executive Secretary, Judith Carter, Recording Clerk and James M. Harrington, Town Counsel, were also present; also George Ripsom
Mr. Harrington told members that they have 100 days from the Attorney General's passing of the by-law to set up the Rent Control Board.
The proposed sale of 18 acres of land given to it by the Town by the South Chelmsford Rod and Gun Club to Blair J. Finnegan for development purposes was discussed at great length. Many options were discussed.
Motion DJR, second PCH, unan. to 1. authorize Town Counsel to add the re-zoning of this parcel to the list of re-zoning articles for Town Meeting and publish the legal notice; 2. authorize Town Counsel and Mr. Harvey to check into the Club's by-laws as to the legality of the Board of Directors' actions; 3. have Town Counsel add an article within the Warrant for the Town to accept a gift of the 18 acre parcel; and 4. send an open letter to the membership of the club.
On the matter of Seaman's transport, motion PCH, second DJR, unan. to send the letter drafted by the Ex. Sec. to Mr. Chaisson, stating that his 3 temporary permits will not be renewed at the end of 90 days.
Discussion was held with Mr. Ripsom re various warrant articles.
At 10:15 p.m. motion DJR, second PCH, to adjourn. Roll Call vote was as follows: DJR-Aye; PCH-Aye; CAH-Aye.

For the Board of Selectmen, by
Judith E Carter

Exec.Session
March 12,1984
Police Dept.
Grievance

Executive Session of the Board of Selectmen held on Monday, March 12, 1984 for the purpose of discussing Police Dept. Grievance, at 10:00 p.m. Members present were Mr. Harvey, Miss Towle, Mr. Ready and Mr. Hart. Norman E. Thidemann, Chief McKeon, Deputy Police Chiefs, and Police Sergeants and Martin Ames, Attorney, Labor Relations Advisor were also present.
The purpose of the Executive Session was to discuss a grievance presented by the Police Sergeants. Motion made by PCH, seconded by DJR to deny grievance, but also to discuss ways to find enough dollars to fund shifts.
At 10:30 p.m. motion DJR, second BAT to adjourn to open meeting to discuss labor issue in open session with Police Union. Roll Call vote was as follows: DJR-Aye; BAT-Aye; PCH-Aye; CAH-Aye.

Adjourn to
Open Session
Exec.Session
March 12,1984
Collective
Bargaining

Members present were: Mr. Harvey, Miss Towle, Mr. Ready and Mr. Hart. Norman E. Thidemann and Martin Ames, Labor Relations Adv.also present at 10:45pm to discuss Collective Bargaining issues re: Fire Department. After discussion it was agreed that Campbell grievance was under the jurisdiction of the Board of Selectmen. It was also voted to obtain this opinion in writing from Counsel and in turn the Executive Secretary is to draft a letter for Board of Selectmen signature, to the Fire Chief, instructing him to honor the decision of the Board within ten days or appropriate action will be taken.
At 11:10 p.m. motion, DJR, second BAT, to adjourn. Roll Call vote was as follows: DJR-Aye: BAT-Aye; PCH-Aye; CAH-Aye.

For the Board of Selectmen, by

Norman E. Thidemann

Executive
Session
March 26, 198
Collective
Bargaining

Executive Session of the Board of Selectmen held Monday, March 26, 1984 at 9:10 pm. Members present were: Mr. Harvey, Miss Towle, Mr. Ready and Mr. Hart. Norman Thidemann, Executive Secretary, was also present. The purpose of the Executive Session was to discuss several aspects of collective bargaining.

1. After discussion the BOS voted unanimously not to support an amendment to the Fire Department contract to provide for a Junior Deputy Chief. The Board also voted unanimously against creating the position of Junior Chief.
2. There was a discussion of the Campbell grievance. The Board voted unanimously to send a letter to the Chief of the Fire Department.
3. The Board was brought up to date on the current state of the Police Negotiations. In view of the Union's rejection of the Board's last offer, it was suggested that we offer the Union some form of night shift differential in trade for civilian dispatchers.
4. Town Hall Union negotiations were also discussed. The BOS rejected the agency fee, shift differential, Holiday time off and sick leave proposals. Funeral leave and 5% cost of living increase was approved.

At 9:45 p.m. motion BAT, second DJR, to adjourn the Executive Session. Roll Call vote was as follows: BAT-Aye; DJR-Aye; PCH-Aye; and CAH-Aye.

For the Board of Selectmen, by

Executive Session of the Board of Selectmen held Monday, April 9, 1984 at 7:50 pm.

Ex. Session April 9, 1984

Members present were: Miss Towle, Mr. Ready, Mr. Emerson, Mr. Blomgren and Mr. Hart. Norman Thidemann, Executive Secretary, was also present.

Collective Bargaining

The purpose of the meeting was to bring the two new members up-to-date on various Collective Bargaining issues. These included completed negotiations with Fire, Highway and Town Hall Unions. The briefing also included a discussion of recent Police and Fire Department grievances which had recently been resolved. The current status of Police negotiations were also discussed and the Board authorized PCH and JPE to join the Ex. Sec. at the next session.

The Board also authorized PCH, JPE and the Ex. Sec. to offer a $1.00 per shift differential in exchange for civilian dispatchers. The Board also instructed PCH, JPE and the Ex. Sec. to negotiate and to return to the full Board for a final decision.

Motion at 9:20 p.m. to leave Executive Session by DJR. Roll Call Vote was as follows: DJR-Aye; JPE-Aye; RAB-Aye; PCH-Aye; BAT-Aye.

For the Board of Selectmen, by

Norman S. Thidemann

Executive Session April 17, 1984

Executive Session of the Board of Selectmen held Tuesday, April 17, 1984 at 10:10 pm.

Contracts and Collective Bargaining

Members present were: Mr. Ready, Mr. Emerson, Mr. Blomgren, Mr. Hart and Miss Towle. Norman Thidemann, Executive Secretary, was also present. The purpose of the Executive Session was to discuss Collective Bargaining Issues and contracts with private individuals.

1. Motion by DJR. seconded by JPE, to extend the lease of the Dog Pound from Mrs. Wojtas for one year at $500.00 per month. Vote was unanimously in favor.
2. Motion by DJR and seconded by JPE to allow Bell and Flynn to begin work on Dunstable Road, with the Town Engineer and Supt. of Streets to inspect and no payment allowed unless approved by both. This was voted unanimously in favor.
3. Motion by DJR, seconded by JPE, to award the Police cruiser bid to Natick Ford. Voted unanimously.
4. Motion by DJR, seconded by JPE, to support the latest BOS offer to the Police union; i.e., 2 year contract at 5% per year, $2.00 shift differential; one extra step and civilian dispatchers. JPE. PCH and NET, however, should still negotiate in an attempt to keep communications open. After several attempts and counter offers, Police Union negotiators are unwilling to further negotiate over civilian dispatchers. This motion was voted unanimously.

At 10:30 pm motion by DJR to go out of Executive Session. Roll Call vote was as follows: DJR-Aye; JPE-Aye; RAB-Aye; PCH-Aye; and BAT-Aye.

For the Board of Selectmen, by

Norman S. Thidemann

Amendment to minutes of April 17, 1984 Executive Session. It was voted at the BOS meeting of May 10, 1984 to amend the minutes of the April 17, 1984 Ex. Session to indicate that Mr. Hart was not present at that session.

For the Board of Selectmen, by

Norman S. Thidemann

Exec.Session April 23,1984 to discuss strategy in respect to pending litigation.

Executive Session of the Board of Selectmen held on Monday, April 23, 1984 for the purpose of discussing strategy in respect to litigation at 8:40 p.m. Members present were Miss Towle, Mr. Ready, Mr. Emerson, Mr. Blomgren and Mr. Hart. Executive Secretary Norman E. Thidemann, Town Counsel James Harrington and Clerk Evelyn Newman were also present. Police Union Press Release was submitted to all members stating on Monday, April 30th the Chelmsford Police Union members will start manning informational picket lines in front of the Town Hall Offices on Billerica Road and other selected locations in Town. Agreements have been made with Police Union, as well as all other Unions in Town to not carry on negotiations in the press. Negotiations are again scheduled for Tuesday, April 24, 1984 at 10:00 a.m. BOS have given Police Union an alternate proposal, but they have not accepted it. If an impasse is reached on April 24th, we are supposed to go to arbitration even though it would not be binding arbitration. The Exec. Secretary will call Board members after negotiations. Sel. Hart informed Board he has been advised by his personal attorney that he should remove himself from negotiations with the Police Department since the Police Union has indicated they will picket his place of business. BOS agreed to offer to change negotiating team from Norman E. Thidemann, Paul C. Hart and John Emerson to Martin Ames, Bonita A. Towle and Dennis J. Ready if Police Union will change its negotiating people. After April 24th negotiations, BOS will consider the release of W-2 information.

The Board members have received contempt citations for appointing a Rent Control Board at the meeting held on April 17, 1984. Before the appointment of this Board the BOS had hearsay information that an injunction was in effect. Neither the BOS nor Town Counsel had anything in writing regarding an injunction. Town Counsel reported that he received the paper work concerning the injunction the weekend of April 21, 1984, and he informed the BOS that the injunction is in effect. Several Board members indicated that they were willing to appear at the contempt proceedings to state that they had only hearsay information and nothing in writing, and, therefore, appointed the Rent Control Board on April 17, 1984. Town Counsel will contact the Board after talking with the Judge regarding the contempt charges and the appearance of the Board in Court. Members agreed to appoint the Rent Control Board when the injunction has been lifted after calling a meeting 48 hours after the Board has been notified that the injunction has been lifted. Members also agreed to make a Motion at Open Meeting that the Board has been advised by Town Counsel that when the Board appointed the Rent Control Board there was an injunction against the appointment of the Board, and the Board was not aware of all of the ramifications involved or that the injunction was in effect, and the Board is making a Motion to rescind the Rent Control Board.

At 9:15 p.m. Motion, DJR, second JPE, unan. to adjourn Executive Session. Roll Call Vote was as follows: DJR-Aye;JPE-Aye;RAB-Aye;PCH-Aye;BAT-Aye.

For the Board of Selectmen, by

Evelyn Newman

Ex. Sess. May 10, 1984 re Coll. Bargaining Police Contract

An Executive Session of the Board of Selectmen was held Thursday, May 10, 1984 at 12:05 p.m. for the purpose of discussing Collective Bargaining. Members present were: Miss Towle, Mr. Ready, Mr. Emerson, and Mr. Hart. Mr. Blomgren joined the meeting at 12:20 p.m. Norman E. Thidemann, Executive Secretary, and Judith Carter, Clerk, were also present.

JPE reported to the Board that he and the Ex. Sec. have reached a tentative agreement with the Police Union, that he believes it is a fair contract and he would ask the Board to ratify it. He said he feels some of the advantages are that it is a 3-year, not 2-year contract, the cost of living raise will be 5, 5, and 6 percent. and negotiations will be ongoing re the use of civilian dispatchers. The Police agreed to drop their request for increases of 5% and 12%, there will be no increase in clothing allowances, and they will drop the prohibited practice charge. The BOS did agree to a $10 per week per patrolman differential for the night shift. He then went over each item in the Memorandum of Understanding dated May 10, 1984.

PCH strongly stated that he feels the BOS has gone beyond what it had decided to offer, and what it gave to the other unions, and that the Union is receiving much more than it is giving up. The baraining for civilian dispatchers was discussed and the Ex. Sec. said that the court says that the BOS must bargain for civilian dispatchers, whether the Union accepts it or not.

PCH and RAB said they could support 5% for the third year, and JPE said he would not take that back to the Union because they would not accept it.

After lengthy discussion, motion JPE, second DJR, to accept the contract with the Police Dept. and presented to the BOS today. Vote was 3 in favor (BAT, DJR andJPE), 2 opposed (PCH and RAB).

At 1:00 p.m. motion DJR, second JPE. to return to open session. Roll Call vote was as follows: DJR-Aye; JPE-Aye; RAB-Aye; PCH-Aye; BAT-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, June 4, 1984 at 9:05 pm for the purpose of discussing pending litigation. Members present were: Miss Towle, Mr. Ready, Mr. Emerson, and Mr. Hart. Norman E. Thidemann, Executive Secretary, Judith E. Carter, Recording Clerk, and James M. Harrington, Town Counsel, were also present. Ex. Sess. June 4, 1984 re Pending Litigation

Mr. Harrington told the Board that the Town brought suit against the Rod and Gun Club to try to prevent them from selling land given them by the Town to a developer, but chances for success are not good, since the Town lost the right to the land when the reverter clause was revoked. The grounds for the suit are no valid consideration at this time and that is a fraudulent act. He said he has put a claim on the land at the Registry of Deeds, but couldn't record the title. The club is going to sue the Town if the sale is stopped. He further said that the Planning Board acknowledges that if the preliminary plans were filed properly, the land is grandfathered, but if there is any discrepancy he can have the plans thrown out, since they are not following the letter of the law. He added that he has met with Attorneys Shanahan and Geary to see what can be done for the Town. They agreed to deed back 9 acres to the Town, and 4 acres with frontage on Mill Road, and would construct a soccer field for Town use. In this way the most they could build would be 12 duplexes. JPE noted that they are having trouble with perc tests. Mr. Harrington said that in return for the soccer field, they want to be treated like anyone else developing land in Town, and if we don't take this, we will get nothing in court. At this point we would be getting $35,000, 9 acres of land and a soccer field. PCH said that we should specify that a backstop be added, that proper drainage be put in, and 4' - 6' loam and seeded and parking area.. RAB said that the School Dept. has specs for soccer fields, and PCH said we should also have the Park Supt. check any construction.

Motion DJR, second JPE, unan. to authorize Town Counsel to consumate the deal, including the stipulations made by the BOS.

At 9:20 pm motion DJR, second JPE, to adjourn. Roll Call vote was as follows: DJR-Aye; JPE-Aye; RAB-Aye; PCH-Aye: BAT-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, August 20, 1984 for the purpose of discussing pending litigation. Members present were: Mr. Ready, Mr. Emerson, Mr. Blomgren and Mr. Hart. Norman E. Thidemann, Executive Secretary, Judith E. Carter, Recording Clerk, and Town Counsel James Harrington were also present. Ex. Sess. Aug. 20, 1984 Pending Litigation

The problem of Wiggin Street was discussed. PCH stated that the Town will have to have the Highway Dept. quietly fix the patch on the road to get through the winter. Atty. Harrington said he has told Co-Mac's attorney that all the BOS really wants is to have the road completed. He said that he is also questioning the bond and how it was obtained. He has heard that there may be a new builder on the last 4 lots and he could finish the roadway cheaper than the Town. He said that we are suing the insurance company for $45,000 and Cox and McCarry for $65,000. He also said that the residents can put up a street sign, but that the Town should not, at this point. Wiggin Street

On the subject of Russell Mill Swim Club, Atty. Harrington said that Atty. Shanahan had given him the new subdivision plan, which he showed the Board. The plan shows less acreage being given to the Town than the preliminary plan. They are now offering to give the Town the land as shown on the new plan and $15,000 for materials to improve the recreational land donated by the club. Mr. Finnegan will donate equipment and labor up to $15,000 worth. PCH said we should ask him for $25,000 cash or equipment and materials totalling $50,000. After discussion the Board instructed Atty. Harrington to negotiate for as much as he can get. Russell Mill Swim Club Land

Discussion re Agreement w/ Lowell re Landfill

PCH reported that he has been discussing a resource recovery facility with the City of Lowell to be located on the Lowell landfill and 13 acres of land in Chelmsford. Coughlin would purchase the land, and the owners have been told that it may be taken by eminent domain. Coughlin would then lease the land - the Lowell landfill plus the 13 acres - to whoever would run the resource recovery facility. BFI and another company have expressed an interest in it, and would lease the property from Lowell and Chelmsford. The facility might be good for 20 - 25 years, and the Town should come out of the deal with our trash being picked up for nothing for the next 20 - 25 years. BFI would be willing to collect the Town's trash for the next 3 years while the project gets going and pay closing costs for our landfill. Cleanliness of the resource recovery facility would be regulated by state and federal laws.

Mr. Hart then left the meeting.

The Board met with Weston and Sampson, and discussed closing the landfill, as outlined in their letter dated August 20, 1984. On a motion by RAB, seconded by JPE, the Board voted unanimously to retain Weston and Sampson to close out the landfill and advise the BOS on the potential agreement with the City of Lowell.

At 11:45 p.m. motion JPE, second RAB to adjourn the meeting. Roll Call Vote was as follows: JPE-Aye; RAB-Aye; DJR-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session Sept. 24, 1984 re Police Dept. psychological testing

Executive Session held Monday, September 24, 1984 at 9:10 p.m. for the purpose of discussing collective bargaining. Members present were: Miss Towle, Mr. Ready, Mr. Emerson, Mr. Blomgren and Mr. Hart. Also present were Norman E. Thidemann, Executive Secretary, Police Chief Raymond McKeon, Deputy Chief James Greska, Dr. Seymour and James Tevlin, who had requested the meeting.

Mr. James Tevlin requested the Executive Session for the purpose of discussing with the BOS the procedures followed relative to the psychological testing of police candidates. Mr. Tevlin presented his view of the testing and his background in preparing to be a police officer, including extra college courses. He explained problems he had with psychological testing and Dr. Seymour and Deputy Chief Greska. Chief McKeon explained the Town's goals re psychological testing. Dr. Seymour explained the process of psychological testing and further explained that he had no financial interest in Westford. A complete explanation of the process was diagrammed, step by step, by Mr. Ready on the White Board. The matter will be considered by the Board.

At 10:04 p.m. motion DJR, second JPE, to adjourn the Executive Session. Roll Call Vote was as follows: DJR-Aye; JPE-Aye; RAB-Aye; PCH-Aye and BAT-Aye.

For the Board of Selectmen, by

Exec. Session October 15,1984 to discuss strategy in respect to pending litigation

Executive Session of the Board of Selectmen was held on Monday, October 15, 1984 at 10:10 p.m. for the purpose of discussing strategy in respect to pending litigation. Members present were: Miss Towle, Mr. Ready, Mr. Emerson, Mr. Blomgren and Mr. Hart. Norman E. Thidemann, Executive Secretary was also present. Discussion centered around the landfill/resource recovery facility with the City of Lowell and the possible need for eminent domain proceedings. Discussion was led by Paul Hart. The Board of Selectmen unanimously approved that a letter be sent to Hurley and Company (representing the owners of the property) informing them of our decision.

At 10:30 p.m. motion DJR, second JPE to return to open session. Roll Call vote was as follows: DJR-Aye; JPE-Aye; RAB-Aye; PCH-Aye; BAT-Aye.

For the Board of Selectmen, by

Exec.Session Nov. 5, 1984 to discuss collective bargaining

Executive Session of the Board of Selectmen was held on November 5, 1984 at 10:05 p.m. to discuss strategy with regards to collective bargaining. Members present were: Miss Towle, Mr.Ready, Mr. Emerson and Mr. Hart. Norman E. Thidemann, Executive Secretary was also present. The Board discussed several issues of collective bargaining including a recent Fire Dept. grievance and current negotiations with the Town Hall Union.
Motion, DJR, Sec. JPE unan. to send a letter to the Fire Dept. Union Pres. and grievant denying Ron Campbell's grievance.
Motion, DJR, Sec. JPE unan. to authorize Mr. Thidemann to continue negotiations with the Town Hall Union and authorized him to offer a wage settlement of 3% per year for two years. The Executive Secretary presented a wage and salary survey of various Town Officials and other Town Managers and Executive Secretaries in Massachusetts.

Respectfully submitted,

Norman E. Thidemann

Norman E. Thidemann left the meeting at 10:05 p.m. and the Board of Selectmen discussed his salary for the upcoming Fiscal Year. After some discussion the following Motion was made. Motion DJR, Sec. JPE to raise salary of Norman E. Thidemann to a number to the nearest $100 higher than Deputy Chief Fitts. Voting in favor: DJR, JPE and BAT. Opposed: PCH. At 10:33 p.m. Motion DJR, second JPE to adjourn Executive Session and return to Open Meeting. Roll Call Vote was as follows: DJR-Aye; JPE-Aye: PCH-Aye and BAT-Aye.

Respectfully submitted,

Bonita A. Towle, Chairman
Board of Selectmen

Ex. Sess. Dec. 3, 1984 re Pending Litigation Swain Road Landfill

Executive Session of the Board of Selectmen held Monday, December 3, 1984 at 8:50 p.m. for the purpose of discussing pending litigation re the closing of the Swain Road Landfill. Members present were: Mr. Ready, Mr. Emerson and Mr. Blomgren. Norman E. Thidemann, Executive Secretary and Judith Carter, Recording Clerk, were also present as were Town Counsel James Harrington, Peter Dulchinos, Board of Health, and Mr. Trepaney of Weston and Sampson Engineers.

Mr. Dulchinos said the Board of Health decided to close the landfill because of a long-standing problem with the state. JPE noted that they had asked BFI for a proposal to keep the landfill open but they never submitted one, which indicates no interest on their part. Town Counsel said that he was called to trial Oct. 31 and tried to negotiate to keep the dump open until Jan. 1. He entered into an agreement with the Attorney General to file a preliminary plan within 30 days and a final plan by Feb. 1. The judge did not agree to this and the trial is set for Feb. 21.

The Ex. Sec. asked what if we receive no bids for trash collection. Town Counsel said that DEQE says if we want to use the landfill we will have to come in with a new plan as well as a closure plan. JPE said that a closure plan will cost $500 - $700,000, and to keep it open will cost $1,000,000 to bring it up to CMR 21 before we can use it.

Mr. Dulchinos said the Board of Health feels that we will have to look into resource recovery, that they intended to close the landfill and then received a proposal from BFI, they thought they were in a reasonable position with the AG, and then also heard that BFI may not bid on the new trash contract, and if they do, it may be an additional $300,000. The Ex. Sec. asked what is feasible from an environmental and financial point of view - $500,000 to close or $500,000 to use the landfill for dumping over the next 3 years. JPE said we could continue to use the dump and close it for $2,000,000 3 years from now, or close it now for $500,000.

Motion JPE, second RAB, unan. to go out for bid for trash pickup - either depositing it at a landfill or site the BOS has negotiated, or hauling it away.

Mr. Trepaney said that it would cost over $300,000 per year for the Town to use the waste facility in North Andover, not including the cost of collection.

Town Counsel said that we are now on schedule on coming up with closure plans, which will lead either to a trial in March or a court judgment. Weston and Sampson are presenting the closure plans to the Board of Health on Dec. 11. DJR suggested that the BOS talk to Billerica and Lowell, and hold a work session on this problem.

It was agreed that Sunday, December 16 will be the day for the BOS to do liquor inspections.

At 9:27 p.m. Mr. Dulchinos and Mr. Trepaney left the session.

DRJ asked Town Counsel for the history of the Amoco gas station and his recommendations on increasing the gasoline storage capacity.

RAB asked Town Counsel for clarification of his remarks at the STM re the band uniforms

The Ex. Sec. reported that the Capital Planning Committee would like a replacement member for Claude Harvey, since he is not attending meetings. Motion JPE, second RAB, unan. to send him a letter asking for his resignation

At 9:35 p.m. motion JPE, second RAB, to adjourn to open meeting. Roll Call vote was as follows: JPE-Aye; RAB-Aye; DJR-Aye.

For the Board of Selectmen, by

Judith E Carter

Executive Session of the Board of Selectmen held Monday, December 17, 1984 for purposes of discussing pending litigation (landfill) and collective bargaining (Town Hall Union). Members present were: Miss Towle, Mr. Ready, Mr. Emerson, Mr. Blomgren and Mr. Hart. Norman E. Thidemann , Executive Secretary, was also present. Ex. Sess. Dec. 17,1984

On the landfill matter, the Board voted to proceed with eminent domain proceedings re the Wilson property and to begin negotiations with a private concern re the development of the Wilson property for a resource recovery facility. It was also voted to seek bids for rubbish removal beginning on July 1, 1985. It was also voted to invite UOP/NESWC to make a presentation at the last meeting in January. Pending Litigation

Eminent Domain - Landfill

Town Offices Union: The Board voted unanimously to offer the Union a 5% cost of living increase and a longevity plan (same as the Highway Department) for Fiscal 1985 and 1986. Some other points agreed to include sick day accumulation to 130 days and new job calssification system. Collective Bargaining Town Hall Union

At 9:20 p.m. motion DJR, second JPE, to adjourn to open meeting, Roll Call Vote was as follows: DJR-Aye; JPE-Aye; RAB-Aye; PCH-Aye; BAT-Aye.

For the Board of Selectmen, by

Executive Session held Monday, January 21, 1985 at 8:40 p.m. for purposes of considering the purchase, exchange, lease or value of real property. Members present were: Miss Towle, Mr. Emerson, Mr. Blomgren and Mr. Hart. Norman E. Thidemann, Executive Secretary, and James Harrington, Town Counsel, were also present. Ex. Session Jan. 21, 1985

Proposed Resource Recovery Facilit

The purpose of the Executive Session was to discuss the proposed landtaking of the Wilson property for a proposed Resource Recovery facility. The Board of Selectmen voted unanimously to:

1. Take by Eminent Domain the properties as outlined by Mr. Hart;
2. Negotiate an Agreement with BFI;
3. BFI to pay yearly rent that is equal to the anticipated yearly cost of the principal and interest on the bonds that are used to purchase the above properties;
4. Town to be paid all fees as per statute.
5. Town to have trash pick-up as per current contract, for free, when facility is activated
6. Town to have trash pick-up rate frozen at Fiscal 1985 rate
7. Town to lease property to BFI for 65 years
8. Property to be returned to the Town when the facility is closed and all trash related buildings to be removed
9. Town trash pick-up to be guaranteed for 50 years.

It was also voted unanimously to have representatives from BFI in to the next meeting.

It was further voted unanimously to authorize Town Counsel to hire additional counsel and other professional assistance (appraisers, etc.) to assist in

putting the package together.

At 9:15 p.m. motion JPE, second RAB, to adjourn to open meeting. Roll call vote was as follows: JPE-Aye; RAB-Aye; PCH-Aye; BAT-Aye.

For the Board of Selectmen, by

Exec.Session Feb. 4,1985 To consider the purchase, exchange, lease or value of Real Property

Executive Session of the Board of Selectmen held Monday, February 4, 1985 at 8:15 p.m. for the purpose of considering the purchase, exchange, lease or value of real property. Members present were: Miss Towle, Mr. Ready, Mr. Emerson and Mr. Hart. Norman E. Thidemann, Executive Secretary was also present, as was the Fire Chief, Frederick Reid. The Fire Chief presented the facts re: the need to replace the 23 year old ladder truck. After some discussion it was voted as follows: Motion JPE, second DJR unan. to authorize the Chief to meet with the Capital Planning Committee and to place in the budget the sum of $225,000 for a new ladder truck.

The Selectmen also voted as follows: Motion JPE, second DJR unan. to approve the Board of Selectmen budgets as submitted by Norman E. Thidemann and approved $1,500 to the Selectmen's Budget-Outlays for repairs and changes in the Selectmen's Meeting Room.

Motion JPE, second DJR unan. to seek a transfer from the Finance Committee to construct a security fence.

at 8:45 p.m. Motion JPE, second DJR, unan. to adjourn. Roll Call vote was as follows: JPE-Aye; DJR-Aye; PCH-Aye; and BAT-Aye.

For the Board of Selectmen, by

Ex. Session Feb. 12,, 1985

Discussion of American Refuse Fuels Proposal

Executive Session of the Board of Selectmen held Tuesday, February 12, 1985 at 8:55 pm for the purpose of considering the purchase, exchange, lease or value of real property. Members present were: Mr. Ready, Mr. Emerson, Mr. Blomgren and Mr. Hart. Norman E. Thidemann, Executive Secretary, Judith E. Carter, Clerk, James M. Harrinton, Town Counsel were also present, as were Paul McCarthy, Peter Dulchinos, Dr. Paul Canniff and Richard Day of the Board of Health, Ronald Greenwood of BFI and Peter Watson and staff members from American Refuse Fuel.

The purpose of the meeting was to discuss the Town's need for a satisfactory method of trash disposal and American Refuse Fuel's proposal for a resource recovery facility and a supporting landfill. After a 15 minute video presentation, Mr. Watson further explained the proposal - that American Refuse Fuel would design, build and operate the facility, and a Town our size would have no costs.They are proposing a 1,000 ton facility, which would be financed on a 20 year basis, but generally should last from 25 - 30 years, and would reduce the weight of the waste by 75%, and the volume by 90 - 95%. This is a clean operation, but psychologically hard to sell. PCH stated that the Town would take the proposed site - between Stedman Street, Parkhurst Road and Route 3 - by eminent domain and lease the property to American Refuse. DJR said the BOS should place articles on the 1985 ATM warrant to take the land by eminent domain, Dr. Caniff asked about state permits and Mr. Watson said that it would take at least 5 months for the plan to be approved by the state, that we must file for an environmental impact study, but that the local siting issue is the most crucial. Costs are estimated to be app. $2½ million for the landfill and $100 million for the plant. The Ex. Sec. asked what is the procedure for starting this project and Mr. Watson said it could be a Memorandum of Understanding. PCH stated that this will be a hard project to sell at Town Meeting and we should have some incentives to offer

Refuse Fuels should pay for the land taking, BFI should have to pick up the Town's trash for free, the Town should have free tipping, and BFI should freeze the rate for pick-up for three years, until the facility is completed. Mr. Watson asked what we will have to do with the City of Lowell. DJR said that the Town will need to hold joint Board meetings with Conservation, Health, Planning, Appeals, etc., decide what we want, and appoint a negotiating team to sit down with Refuse Feuls. At the open meeting the film will be shown again, and we should have a plan prepared.

At 10:15 p.m. motion PCH, second JPE, to adjourn to open meeting. Roll Call vote was as follows: JPE-Aye; RAB-Aye; PCH-Aye; DJR-Aye.

For the Board of Selectmen, by
Judith E. Carter

Executive Session of the Board of Selectmen held Monday, February 25, 1985 for the purpose of discussing strategy with regard to collective bargaining. Members present were: Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Norman E. Thidemann, Executive Secretary, was also present. Session began at 9:10 p.m. After discussion, motion DJR, second JPE, unan. to ratify the Town Hall Clerical Employees Union contract as presented by DJR.
At 9:30 p.m. motion DJR, second JPE, to adjourn. Roll Call vote was as follows: DJR-Aye; JPE-Aye; RAB-Aye; BAT-Aye.

Ex. Session Feb. 25, 1985 Collective Bargaining

For the Board of Selectmen, by
Norman E. Thidemann

Executive Session of the Board of Selectmen held Monday, March 11, 1985 at 8:45 p.m. Members present were: Miss Towle, Mr. Ready, Mr. Emerson, Mr. Blomgren and Mr. Hart. Norman E. Thidemann, Executive Secretary, was also present. The purpose of the Executive Session was to discuss the BFI/Resource Recovery proposal. It was agreed that at a minimum Chelmsford would have free rubbish collection and disposal for the life of the plant, and that BFI would re-imburse the Town for the costs of acquiring the property and borrowing the funds. The Board voted unanimously to hire Weston and Sampson as consultants for the project. PCH is to schedule a lunch with Lowell City Manager Joe Tully.
At 9:15 p.m. notion DJR, second JPE, to adjourn. Roll Call vote was as follows: DJR-Aye; JPE-Aye; RAB-Aye; PCH-Aye; BAT-Aye.

Ex. Session March 11, 1985 Resource Recovery

For the Board of Selectmen, by
Norman E. Thidemann

Executive Session of the Board of Selectmen held Monday, March 25, 1985 at 11:05 p.m. for the purposes of discussing strategy with regards to collective bargaining, and the purchase, lease or exchange of real property. Members present were: Miss Towle, Mr. Ready, Mr. Emerson, Mr. Blomgren and Mr. Hart. James M. Harrington, Town Counsel, and Norman E. Thidemann, Executive Secretary, were also present. The Ex. Sec. briefed members of the Board on the status of the Police, Fire, Highway and Clerical Union contracts. He also briefly spoke about an impending Highway Dept. Grievance.

Ex. Session March 25 Coll. Barg. Resource Recovery

Town Counsel spoke about the proposed BFI facility on Drum Hill and associated land takings. The BOS voted to hire SEA as consultants to the Town. Town Counsel is to present a Memorandum of Understanding to the Board as soon as possible.

The Board also voted to place an article on the Warrant to place a Moratorium on Building Permits in Chelmsford. The vote was BAT-Yes; DJR-Yes; JPE-No; RAB-Yes and PCH-No. Vote was 3 to 2 in favor.

At 11:48 p.m. motion DJR, second JPE, to adjourn the Executive Session. Roll Call vote was as follows: DJR-Aye; JPE-Aye; RAB-Aye; PCH-Aye; BAT-Aye.

For the Board of Selectmen, by

Executive Session March 28, 1985

Highway Dept. Grievance

Executive Session of the Board of Selectmen held Thursday, March 28, 1985 at 6:45 p.m. Members present were: Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Norman E. Thidemann, Executive Secretary, and Judith Carter, Clerk, were present, as was Supt. of Streets Harold Gray, James Crotty, Stephen Harvey and Frederick Dillon of the Highway Department and Michael Gormley, Business Agent for Local 877. The purpose of the session was to hear a grievance filed by Mr. Crotty and Mr. Harvey. , which had been denied by Mr. Gray.
Mr. Gormley said they had requested the hearing because they felt the discipline imposed by Mr. Gray, a 1-day suspension without pay, was too harsh in consideration of the actions that took place. Mr. Gormley, Mr. Harvey and Mr. Crotty gave their version of the incident. Mr. Gray then presented his story, that allegedly the two were fighting in a moving Town-owned vehicle while on the job. Mr. Gormley asked that the discipline be reduced from the suspensions to written warnings.
At 7:10 pm Chairman Towle said the Board would take the matter under advisement and have a decision within 5 days. The men from the Highway Dept. and Union left the room.
Motion DJR, second RAB, to uphold Mr. Gray's decision. Vote was 2 in favor (DJR and BAT), 2 abstentions (JPE and RAB). The Ex. Sec. said a letter will be sent to the 2 men stating that the grievance has been denied.
At 7:15 p.m. motion DJR, second JPE, to return to Open Session.
Roll Call Vote was as follows: DJR-Aye; JPE- Aye; RAB-Aye; BAT-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session April 1, 1985

Collective Bargaining

Executive Session of the Board of Selectmen held on Monday, April 1, 1985 at 7:00 p.m. Members present were: Miss Towle, Mr. Ready, Mr. Emerson, Mr. Blomgren and Mr. Hart. Bernard Lynch, Acting Administrative Assistant was also present.
Discussion pertained to negotiations with Fire Fighters' Union. Bargaining position of Board of Selectmen provided for: 2 yr. contact; 5% increase each year; new fourth step in year two of 2%. Selectmen also gave initial approval to the following proposals: change in Article 16 of contract to four hours instead of two, however, employee must work full four hours; replacement pay for military duty; purchase of exercise bikes with the addition of an approved exercise program; increase in compensation for education to $800. Courses must be approved by Chief.
Motion, DJR, second JPE, to adjourn the Executive Session at 8:00 p.m. Roll Call vote was as follows: DJR-Aye; JPE-Aye; RAB-Aye: PcH-Aye; BAT-Aye.

For the Board of Selectmen, by

Ex. Session May 20, 1985

Executive Session of the Board of Selectmen held Monday, May 20, 1985 at 9:25 p.m. Members present were: Mr. Ready, Mr. Emerson, Miss Towle, Mr. Blomgren and Mr. Hart. Bernard Lynch, Acting Adm. Asst. and Pennryn Fitts, Deputy Police Chief, were also present. The purpose of the session was to: 1. to consider the discipline, or dismissal of, or to hear complaints or charges against, an employee; 2. to discuss strategy with regards to collective bargaining.

1. Dog Officer Position

The Board was prepared to discuss several complaints received against Dog Officer Neal Stanley, who had been requested to be present. Deputy Chief Fitts read a letter of resignation from Neal Stanley, thereby solving the problem of complaints. The Board then discussed the matter of personnel needed for the Animal Control Office and decided to post the Dog Officer position for appointment on July 1st. In the interim Assistant Dog Officer William Shedd was appointed Acting Dog Officer. The Board agreed that the Dog Pound Committee should be re-structured to include Deputy Fitts, the Dog Officer and Assistant Dog Officer, and that this committee should be asked to consider changes in the fee structure of the Animal Control Office. Deputy Fitts then asked for the following changes in the Animal Control Office: he is going to change the hours, and he will set the hours of work and of the Dog Pound; the phone at the Town Offices will be eliminated; all complaints against the Dog Officer must be to the Police Chief, in writing. Motion JPE, second RAB, unan. to implement the above.

2. Highway Negotiations

PCH presented the proposal from the Highway/Cemetery Union and the Board developed a counter proposal as follows: 1. A 2-year agreement; 2. Wage increases: 1st year - 5%; 2nd year - 5% 3. Shift differential to be changed from 30¢ per hour to 5%; 4. Sick leave buy-back - to be same as Police Dept.; 5. Increase clothing allowance from $100 to $200 per year; 6. Five weeks vacation after 20 years. Cemetery only: 1. $25.00 per person payment for disinterments - must be done on regular time; 2. Cemetery personnel are to be called in on snow removal (will be in writing). Motion JPE, second BAT, unan. to authorize PCH to offer this proposal to unions at next bargaining session.

Adjournment

At 10:00 p.m. motion JPE, second BAT, to adjourn. Roll Call vote was as follows: JPE-Aye; BAT-Aye; RAB-Aye; PCH-Aye; DJR-Aye.

For the Board of Selectmen, by

Ex. Sess. June 3, 1985

Executive Session of the Board of Selectmen held Monday, June 3, 1985 at 9:15 p.m. for the purpose of discussing strategy re collective bargaining. Members present were: Mr. Ready, Mr. Emerson, Miss Towle and Mr. Blomgren. Bernard F. Lynch, Acting Adm. Asst. Lorraine Parkhurst and Sandra Kilburn, Town Hall Union Employees Co-Presidents and Ed Wildes, Union Agent, were also present.

Town Hall Union Grievance

A discussion of a grievance by the Town Hall Union regarding the promotion of Anne Jensen, Veterans Dept. to Assistant Veterans' Agent. Such action by the BOS would take this individual from the bargaining unit and is therefore not allowed by Article II of the union agreement. Ms. Jensen could be upgraded to Departmental Assistant, a union position, if the Board so chose. The difference in salary would be a deficit of $505.00.

Motion JPE, second BAT, unan. to rescind the promotion of Ms. Jensen to Assistant Veterans' Agent. The BOS will check with the Finance Committee regarding the transfer of $505.00 to upgrade Anne Jensen to Departmental Assistant.

At 9:25 p.m. motion JPE, second BAT, to adjourn to Open Meeting. Roll Call vote was as follows: JPE-Aye; BAT-Aye; RAB-Aye; DJR-Aye.

For the Board of Selectmen, by

Executive Session of the Board of Selectmen held Monday, June 17, 1985 at 9:00 p.m. for the purpose of discussing strategy re collective bargaining. Members present were: Mr. Ready, Mr. Emerson, Mr. Blomgren and Mr. Hart. Bernard Lynch, Acting Administrative Assistant, was also present.

The Memorandum of Agreement with the Highway Dept. Union was presented for the Board's review. Motion JPE, second RAB, unan. to accept the Memorandum.

JPE presented a request from Harold Gray to provide compensation to Highway Dept. foremen for on-call status. JPE moved to provide four hours of pay as compensation for on-call foremen. Seconded by PCH, unanimus.

Discussion of Veterans' Department promotion of Anne Jensen to Departmental Assistant under the Town Hall Union. Motion JPE, second RAB, unan. to request an increase of their budget by$505. at the Special Town Meeting on June 24, 1985.

At 10:00 p.m. motion PCH, second JPE, to adjourn. Roll Call vote was as follows: PE-Aye; RAB-Aye; PCH-Aye; DJR-Aye.

For the Board of Selectmen, by

Executive Session of the Board of Selectmen held Monday, Sept. 15, 1986 at 12:05 p.m. Members present were: Mr. Emerson, Mr. Ready, Miss Towle and Mr. Blomgren. Mr. Johnson was out of Town. Howard W. Redfern, Jr., Ex. Sec., was also present. The purpose of the meeting was to discuss pending litigation against Eugene Gilet, who was also present along with Town Counsel Charles Perkins. JPE told the Board that Planning Board member Eugene Gilet is being sued by Developer Richard Roper for statements he allegedly made at meetings and to the press. Town Counsel James Harrington is Mr. Roper's attorney and due to conflict of interest cannot defend Mr. Gilet.

Executive Session Sept. 15, 1986 Pending Litigation

Motion DJR, second BAT, to request Attorney Philip Nyman, 385 Gorham Street, Lowell, to represent Mr. Gilet for the Town. The Board voted unanimously to request Mr. Perkins to do so, by Roll Call vote.

At 12:10 p.m. motion DJR, second BAT, to adjourn to Open Session. Roll Call vote was as follows: DJR=Aye; BAT-Aye; RAB-Aye; and JPE-Aye.

For the Board of Selectmen, by
Judith E Carter

Executive Session of the Board of Selectmen held Thursday, Sept. 25, 1986 at 7:10 p.m. at McCarthy Junior High School. Members present were: Mr. Emerson, Mr. Ready, Miss Towle, Mr. Blomgren and Mr. Johnson. Howard W. Redfern, Jr. and Judith Carter, Adm. Asst. were also present. The purpose of the meeting was to discuss colletive bargaining.

Executive Session

Collective Bargaining

A letter had been received from the Town Hall Union (AFSCME) re various matters.

1. Administrative Assistant for the Planning Board. RAB said he had assumed that the requested information had been sent by the union to D. Moschos. DJR commented that Mr. Moschos hasn't responded to the Board's request for his opinion as to the BOS position re a Planning Board position - what we can or cannot do. DJR asked that the Ex. Sec. get a job description for the Planning Board Adm. Asst. and send it to Mr. Moschos. The Planning Board says that it it a non-union position, and what is the BOS position, is the BOS involved. HRJ asked for an answer before the next meeting. DJR asked if he doesn't understand the grievance, and the Ex. Sec. stated that Mr. Moschos feels that the information presented was heresay. DJR asked that he, HRJ and the Ex. Sec. meet with the union reps. to clarify this. RAB suggested that the Board send a letter to the union stating that we are gathering data and will decide the grievance on October 6. DJR and HRJ both felt that they should meet with the union before that time, and agreed to meet with the union reps. on Monday, September 29, at 10:00 a.m.

2. Upgrade on 2 clerks - their letter states that the BOS would send a letter to all department heads explaining the administrative procedure. DJR said he feels it is the intent of the BOS that if a Principal Clerk resigns, that the position be posted internally as Principal Clerk for 10 days, and if no one from the union applies within that time, then downgrade the position.

HRJ commented that all negotiations seem to be on a treadmill, and Board members told him that this usually is the case.

Motion DRJ, second BAT, unan. that at any future meetings of the BOS with the AFSCME union either the Adm. Asst. or Senior Clerk from the BOS office be present to record the minutes.

At 7:25 pm motion DJR, second BAT, to adjourn to Open Meeting. Roll Call vote was as follows: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Thursday, November 13, 1986 at 6:45 p.m.for the discussion of contractual agreements. Members present were: Mr. Emerson, Mr. Ready, Miss Towle, Mr. Blomgren and Mr. Johnson. Howard Redfern, Executive Secretary, and Judith Carter, Administrative Assistant, were also present. Ex. Session Nov. 13, 1986

The Ex. Sec. told the Board that the last 11 Police Officers appointed by the Town were not appointed properly under Civil Service, since a list was not requested in 1983. He said that Lee Runels, Division of Certification, had notified him of this. Civil Service Appt's. Police Dept.

JPE said he has talked to the Police Chief and they found paperwork signed by Claude Harvey, former CH of the BOS. He has asked the Chief and Deputy Greska to attend the Board's meeting on Monday, Nov. 17. HRJ said we don't want to cause problems for those 11 people already appointed, and feels the paperwork should be kept in our office under BOS jurisdiction. The Ex. Sec. pointed out that if a Sargent's exam came up, these 11 could not take it. Right now the matter is up to the Civil Service. The Town may have skipped over people on the list, and if Civil Service finds they were not correctly appointed, the pay for these 11 persons will be stopped. The 1983 list has expired.

RAB said he feels the Board has 2 problems. 1. We should follow the recommended procedure on future appointments; 2. if there is any exposure of this current problem, what is our policy. The Ex. Sec. said he hopes there will be no problem, and he will get a Civil Service update on Monday afternoon.
DJR said that there is nothing in the procedures about psychological testing testing, and this should be added to the Chief's process for interviewing. BAT suggested that this wait until we meet with the Chief on Monday. RAB asked the Ex. Sec. to send the last paragraphs of the procedure to the Chief and Deputy Greska before Monday's meeting. He feels that we have 2 separate issues here - 1. Civil Service, and 2. our procedures.

The Board decided to appoint the semi-finalists for the Fire Chief's position in Open Session on Monday. Motion DJR, second BAT, unan. that each Board member will nominate who they want; if there are over 6 candidates then a Roll Call vote will be taken,and these candidates will be tested and then interviewed. HRJ and BAT said that psychological testing is fine with them. The Ex. Sec. will check with the Chief re testing firms and will find out a time frame for testing. RAB said he feels there should also be some type of intelligence test, since, since we would be exposing the Town to significant liability if we are not going through complete tests. Fire Chief Semi-Finalists

At 7:26 pm motion DJR, second BAT, to go out of Executive Session. Roll Call vote was as follows: DJR-Aye; BAT- Aye; RAB- Aye; HRJ-Aye; JPE-Aye.

For the Board of Selectmen, by
Judith E. Carter

Executive Session of the Board of Selectmen held Monday, Nov. 17, 1986 at 9:45 p.m. The purpose of the session was to discuss: 1. pending litigation and 2. collective bargaining. Members present were: Mr. Emerson, Mr. Ready, Miss Towle, Mr. Blomgren and Mr. Johnson. Howard W. Redfern, Jr. Ex. Sec., and Judith Carter, Adm. Asst., as well as Police Chief Raymond McKeon and Deputy Chief James Greska were also present.

The Chief reported he is glad the Board is going out for bid for roof repairs immediately, because the water is really coming in. The Chief reported that they are in good shape on the jail suicide law-they must be retrofitted by Dec. 31, and bids are due Dec. 4.

Raises for the 4 union clerks - Pierro, Di Rocco, Roth and Grant - were dicsueed. The Chief is asking for 3 principal clerks, and 1 senior clerk. DJR and HRJ are meeting with the Clerks' Union on Thursday and will run it by them. The Chief said his girls feel discriminated against, and if they can't be promoted as he wants. he feels they should be raised at least one step each.

The Chief said that he feels Officer E. Rooney should not have been given his vacation money by the BOS as the result of a filed grievance, and now the same situation is arising with James Kerrigan. He would like Labor Relations Advisor D. Moschos to look this over. Motion DJR, second BAT, to have the Chief draft a letter to send to Mr. Moschos. Roll Call vote was as follows: DJR- Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE- Aye.

The matter of Civil Service appointments was discussed. The Chief said that the Police Dept. sends in a requisition, it comes back and is sent for signature by the Chairman of the BOS, and the list is returned to Civil Service. He said that Civil Service seems to be in a big turmoil. He added that no one was ever skipped over except for failure to pass the psychological tests, and a few intermittent have refused appointment. He added that they do not use intermittent lists any more.
It was agreed that Deputy Chief Greska will be responsible for the paper work from now on.
Motion DJR, second BAT, to make Deputy Chief Greska the Civil Service contact person for the Town and also the resource person. Roll Call vote was as follows: DJR- Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

Motion DJR, second BAT, to authorize Chief McKeon to contact David Haley at Civil Service again to try to resolve the problem with the last 11 officers hired. Deputy Greska and the Ex. Sec. will also work to try to solve the problem. Roll Call vote was: DJR- Aye; BAT- Aye; RAB- Aye; HRJ- Aye; JPE-Aye.
The Ex. Sec. said that the worst possible thing that could happen would be that the last 6 hired would be terminated and their pay stopped.

BAT, RAB, the Chief and Union President McCusker will sit down and discuss internal problems that are operational in nature.

At 10:10 pm the Board adjourned the first section of the Executive Session, and the Police Chief and Deputy Chief left.

The Board then discussed strategy with regards to collective bargaining. The position of Administrative Assistant to the Planning Board had been challenged by AFSCME Local 1703, stating that it should remain a union position. Motion HRJ, second BAT, to deny

the grievance of Local 1703 because the Administrative Assistant is not a clerical position. A copy of the letter from Atty. Dee Moschos will be sent with the denial. Roll Call vote on the motion: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye. Mr. Moschos is going to send another letter to the BOS on their relationship to Planning Board matters. Ex. Session Nov. 17, 198

At 10:20 pm motion DJR, second BAT, to adjourn. Roll Call vote was as follows: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

For the Board of Selectmen, by
Judith E. Carter

Executive Session of the Board of Selectmen held Monday, November 24, 1986 at 5:15 pm to discuss pending litigation. Members present were: Mr. Emerson, Mr. Ready, Mr. Blomgren and Mr. Johnson. Miss Towle was away on vacation. Howard W. Redfern, Jr., Ex. Sec., and Judith Carter, Adm. Asst., were also present. James M. Harrington and Charles A. Perkins, Jr., Town Counsels, were also present. Ex. Session Nov.24, 1986 re Pending Litigation

Chairman Emerson called the meeting to order at 5:30 pm and turned it over to Town Counsel.
Mr. Perkins said that Atty. Ed London has filed action on behalf of the DeCotis's, owners of the Mobile Home Park, seeking $45,000,000 in damages against the Town, and another suit for $20,000,000 against the Mobile Park Tenants Association and John P. Emerson, Jr. He feels the owners are trying to get back at the Town for prohibiting single family residences and a cemetery as permitted uses on their land. He doesn't know if the land can be used for anything else. They will still have to go to the Rent Control Board and the District Court before any tenants can be evicted. Mr. Perkins cautioned the Board to keep this matter very quiet - not to talk to the press or the Tenants Association.
Mr. Harrington said that a cemetery was not part of the Master Plan, and was amended on the floor of Town Meeting by JPE as Chairman of the BOS. He is not sure that this was done legally, which is the reason he is suing JPE. He asked if we want to restore the use as a cemetery, does Mr. London have a right to this, and the whole suit is a "sham". Mr. Harrington is concerned not with the substance of the suit, but the procedures, and feels that what Mr. London is suing for is not what he's really looking for. He feels that he had wanted to sue the Rent Control Board but they have treated him fairly.
Mr. Harrington said that we are insured for a suit of this type with both a Public Officials Liability and Town Liability policy, for $1,000,000 each, and that we want to protect our insurance in the future. He will find out what reserves the insurance companies put up. Mr. Perkins said that DeCotis says that the Town has basically taken his land by Eminent Domain that it is worth $25 mil. and that we have devalued the land with the zoning change, and that is the $20 mil suit. Mr. Harrington said that first he wants to find out what Mr. DeCotis wants - probably to do away with Rent Control. He wants to report the suit to the insurance company attorneys, and ask them if we should re-zone it back. He said we don't want to try to negotiate a settlement because that is admitting responsibility and this was not an arbitrary and capricious act. He also said that he is looking into a counter-suit.
Mr. Harrington said that the Town needs to hire an attorney to represent JPE, and JPE said he would like Atty. Joseph Donohoe. Mr. Perkins said the reason for this is that they are attacking JPE personally and Town Counsel can't defend both JPE and the Town.

Motion HRJ, second DJR, to allow JPE to contact Atty. Donohoe to defend JPE as Chairman of the BOS, and the Tenants Association will have to get their own attorney. Vote on the motion was 2 in favor, (DJR and HRJ) and 2 abstentions (JPE and RAB). Atty. Perkins then said that even though JPE is being sued as an individual, the BOS has the right to indemnify him for legal fees and damages up to $1,000,000. Atty. Harrington commented that JPE is being sued as Chairman of the BOS, and that the Town Meeting vote was unanimous to eliminate the cemetery useage. Mr. Perkins said that the reason the language was couched like that was to make the Town decide whether to indemnify him for attorney's fees. HRJ said we should get out the message that the Town will protect public officials, and will not be blackmailed.

HRJ amended his motion to have JPE retain Atty. Donohue on a preliminar basis per-Chapter 258, Secs. 9 and 13, and to have Atty. Donohue make preliminary contact with Town Counsel. The vote was 3 in favor, 1 abstention (JPE). Atty. Perkins warned JPE that he cannot give any facts in the case to the Board without counsel present.

RAB asked when are we going to get out of the Rent Control Board, and C. Perkins said that he feels that what the DeCotis's want to do is to get a settlement from the Town, that Atty. London wants the Rent Contro Board to negotiate with him and the tenants, and if we stipulate that he can use the land for a cemetery (which he doesn't want to do) this would cut his damages, since he is not being deprived of any money.

JPE mentioned that the Town has a suit against the DeCotis's for polluting Beaver Brook. Atty. Harrington said we have accomplished 1 purpose - appointing an attorney for JPE, that we are exploring all avenues to have the suit dropped, that we will have to attack Atty. London, and are exploring ways to counter sue.

Motion HRJ, second DJR, that the Board authorize Town Counsel to take an offensive posture in this situation. Roll Call vote was as follows: DJR-Aye; RAB-Aye; HRJ-Aye. JPE abstained.

Adjournment

At 6:20 p.m. motion HRJ, second DJR, to adjourn. Roll Call vote was as follows: DJR-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

For the Board of Selectmen, by

Judith E. Carter

MINUTES OF EXECUTIVE SESSION
DECEMBER 1, 1986

MEMBERS PRESENT: Mr. Emerson, Mr. Ready, Mr. Blomgren and Mr. Johnson. Ms. Towle and Mr. Redfern were absent.

JPE made a motion to go into Executive Session to discuss the contractual agreement between the Town and Atty. Dee Moschos, 2nd HRJ, unanimous. A roll-call vote of the BOS was taken: DJR-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

Atty. Moschos asked what how he was to relate to the Town due to the resignation of Howard W. Redfern, Jr., Executive Secretary. Lately, it has been unstable. Atty. Moschos stated that the police contract has to be executed by IBPO as it has not been approved by the Union. Atty. Moschos will be in touch with Union this week and get a signed copy back to BOS in time for Special Town Meeting. Atty. Moschos will handle this, not necessary to involve BOS at this time. Atty. Moschos stated that the police contract had a language change due to an ineffective waiver clause.

RE: Fire Arbitration - Atty. Moschos stated that the arbitration is scheduled for 2/11/87 and has requested it be in Chelmsford instead of Boston. This is a difficult case. Atty. Moschos sent a letter to Union attorney to force what the issues are as they are not specific. Union attorney has only said its a violation of contract; unclear as to nature of violation. Atty. Moschos saw Union attorney recently and was told he wants to settle. Atty. Moschos feels that if this can be compromised without arbitration, this should be considered. Atty. Moschos stated that this case will be difficult to win due to language of contract. Odds are against the Town. Atty. Moschos stated that both sides could not agree on an Arbitrator. Finally agreed to Mark Irving, an attorney, very fair.

RE: Police Negotiations - Atty. Moschos stated that the issue of holiday pay for was underlying genesis of their push, they felt the Town gave in to Fire Union. Atty. Moschos felt that there should be someone designated from the BOS to work closely with him in arbitration as $150,000 is involved. DJR offered to be the liaison to work with Atty. Moschos. HRJ made a motion to have DJR work with Atty. Moschos, 2nd DJR, unanimous.

RE: Clerk's Contract - Atty. Moschos stated that the Union was offered 6% and if accepted, can go to STM and negotiate language later. JPE stated that it was 6% but his understanding that Personnel Board is coming with a request for a 3 1/2% increase for employees under Personnel Board guidelines. If voted in, the Union wants a paragragh whereby they can come back and renegotiate the difference of pay raises. HRJ feels it is not going to happen. HRJ is looking for consistency - same level with all departments, then employees will be satisfied. JPE does not know exactly what Personnel Board is coming in with nor has it been requested as yet. There is a personnel article (Article

12) on the STM Warrant and it could be brought up under it. Atty. Moschos stated that it can't be amended to make a bylaw change. HRJ made a motion to get an opinion from Town Counsel to rule on warrant legitimacy of adopting a payraise for unorganized employees, 2nd DJR, unanimous. A roll-call vote was taken: DJR-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

RE: Language of Contract - Atty. Moschos suggested making an amendment to the existing contract to extend one year then let Atty. Moschos do an analysis, with 6% and begin negotiations for language changes and successor agreement. DJR made a motion to offer a one year contract extension with 6% with a reopener clause for money only, 2nd HRJ. RAB felt that this was not the right thing to do, should amend to focus only on 6% otherwise setting exceptations. DJR made a motion that the BOS support the one year extension at 6% with retro to July 1st, 2nd RAB, unanimous. A roll-call vote was taken: DJR-Aye; RAB-Aye; HRJ-Aye; JPE-Aye. DJR made a motion to allow Atty. Moschos insert a re-opener clause geared to Personnel Board's change, 2nd HRJ, RAB opposed, 3 to 1. A roll-call vote was taken: DJR-Aye; HRJ-Aye; JPE-Aye; RAB-Opposed.

Atty. Moschos asked the BOS for a contact person relative to labor relations questions. Atty. Moschos is to speak with Chairman Emerson until such time as an Executive Secretary is hired. DJR made a motion that Atty. Moschos is to speak to Chairman Emerson until Executive Secretary is hired, 2nd HRJ, unanimous.

HRJ made a motion to adjourn to Regular Session, 2nd DJR, unanimous. A roll-call vote was taken: DJR-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

Executive Session Adjourned at 7:25 p.m.

Submitted for the Board of Selectmen

Beth A. Gibbs

Beth A. Gibbs

Executive Session of the Board of Selectmen held Monday, December 8, 1986 at McCarthy Middle School at 6:50 p.m. Members present were: Mr. Emerson, Mr. Ready and Mr. Blomgren. Mr. Johnson arrived at 7:00 p.m. Judith Carter, Adm. Asst. and Town Counsels James Harrington and Charles A. Perkins, Jr. were also present. The purpose of the session was to discuss the purchase, lease or exchange or real property.

Atty. Perkins said that the Town had voted at the May Special Town Meeting to take the Cranberry Bog on the Chelmsford/Carlisle line by eminent domain.. He said they have worked out a deal with George Papageorge and Carlisle, and that the money voted at the STM will purchase an extra 10 acres. Two portions of the boundary line can't be closed (identified) and we may lose 4 - 6 of the 150 acres. The purchase price of $788,000 is fair. He stated that we need to go forward prior to December 19 for a friendly taking. They will need a release that they don't owe any more taxes and indemnification agreements. December 19th is our last change for a friendly taking.
Motion DJR, second RAB, to sign the notices of taking for $788,000. Roll Call vote was as follows: DJR-Aye; RAB-Aye; JPE- Aye.
Mr. Johnson arrived at the meeting and voted Aye.
Mr. Perkins then said that the BOS needs to execute the Order of Takings on Fletcher Street.
Motion DJR, second RAB, unan. to approve the takings and sign the Order of Takings. Roll Call vote was as follows: DJR-Aye; RAB-Aye; HRJ-Aye; JPE- Aye.

At 7:01 pm motion DJR, second RAB, to adjourn to Open Session. Roll Call vote was as follows: DJR-Aye; RAB-Aye; HRJ-Aye; JPE- Aye.

For the Board of Selectmen, by

Judith E. Carter

MINUTES OF EXECUTIVE SESSION
DECEMBER 12, 1986

MEMBERS PRESENT: Mr. Emerson, Mr. Ready, Ms. Towle, Mr. Johnson. Mr. Lynch, Executive Secretary was also present. Mr. Blomgren was absent but available by telephone.

6:15 P.M. - MEETING CALLED TO ORDER - JPE called the Executive Session to order for the purpose of litigation. Roll-call vote was taken: DJR-Aye; BAT-Aye; HRJ-Aye; JPE-Aye.

Town Counsel, James Harrington, was present relative to the complaint brought by Attorney Joseph Shanahan relative to the issuance of the license for the Cedar House and alleging procedural problems. Charles Perkins was also present to discuss the 7 or 8 procedural problems. Mr. Perkins stated that given the 7 or 8 procedural problems, it is enough for the Town to loss the case. Mr. Perkins stated that back in October when this was first heard, there was no written decision made, never discussion on the record as to why the BOS was denying. There was an appeal taken to the ABCC. Prior to that a decision was drafted with every possible reason for denying. Atty. Shanahan then made allegations relative to a dismissal of his appeal in that matter and coming back in front of the BOS in May. Atty. Shanahan came back in front of the BOS and at that point he was supposed to have a hearing within the statutory time. The hearing was not heard at that time and he brought a complaint to the ABCC relative to that hearing not being scheduled. There was a finally a hearing advertised and published. At that time he was denied his liquor license. Atty. Shanahan went to the ABCC and the decision was reversed and told BOS to rehear on the issue of public necessity. ABCC stated that the decision was arbitrary. Another hearing was set up. Atty. Perkins informed Mr. Redfern to advertise only as public necessity, however, Mr. Redfern published for the entire hearing. Atty. Perkins and Atty. Shanahan exchanged letters on what the BOS could and could not do. Atty. Perkins told Atty. Shanahan that it was the Board's discretion on what to hear. Atty. Perkins stated that just looking at the procedural history, the Court will find for the Kirks and grant the license. Atty. Shanahan phrased his complaint relative to civil rights and is going to allege a conspiracy by the BOS with the members of the Community, a conspiracy to deny the license based on the Sherman Anti-Trust Actl; he is going to allege that the Kirks gave up their rights under due process under the first appeal wrongfully and under conspiracy. Atty. Shanahan will get testimony from former Executive Secretary, Howard Redfern, which can be damaging to the Town. It is Atty. Perkins understanding that HWR was going to testify that the BOS was going to act in a manner that if the license was issued, they would set something up to take the license away. Atty. Perkins spoke with 2 experts, one who represents the liquor licenses in Boston and other represents the Town on insurance cases, it is the opinion of both that there will be substantial liability. Town could end up paying attorneys' fees, be responsible for loss profits. Atty. Perkins stated that the procedural history is not clean. Atty. Perkins repeated that looking at the procedural history, the Board is

very likely to lose the case. Next time, do the hearing in a manner that is in cooperation with Atty. Harrington's office so that the procedures will be correct. Then if the applicant wants to sue, it will only be the issue of the liquor license application. HRJ stated that if the license must be issued, he would like as a procedural problem and not confidentially. DJR stated that it should be due to the former Executive Secretary failing to follow the proper procedures. Atty. Perkins felt it unwise to name anyone. DJR felt the BOS should iron out the procedures. DJR suggested that when the BOS has a public hearing, close public hearing, give all concerns, ie. public necessity, inspect property, give concerns to Town Counsel, have motion written, vote on license. DJR made a motion to enter a judgment to grant based on procedural technicalities as drawn up by Town Counsel, 2nd HRJ, BAT-opposed; DJR-Aye; HRJ-Aye; JPE-Aye, vote was 3 to 1 in favor. Atty. Harrington stated that his office would draft it and give it to the BOS to review first. DJR made a motion to adjourn, 2nd BAT, unanimous.

For the Board of Selectmen

Beth A Gibbs

Beth A. Gibbs

Ex. Sessio
Jan. 5,1987

Executive Session of the Board of Selectmen held Monday, Jan. 5, 1987 at 9:15 p.m. for the purpose of discussing pending litigation, collective bargaining and the purchase of real property. Members presebt were: Mr. Emerson, Mr. Ready, Miss Towle, Mr. Blomgren and Mr. Johnson. Bernard Lynch, Executive Secretary, and Judith Carter, Adm. Asst., were also present.

The Board met with Acting Chief James Sousa, Captain Ronald Sawicki, of the Fire Dept. and Labor Counsel Martin Ames. The purpose was to discuss Captain Sawicki's employment status in the Fire Dept.

Status of Employment

Capt. Ron Sawicki, Fire Dept.

JPE read a summary drafted by Acting Chief Sousa of Capt. Sawicki's medical problems and what has happened to date.
Capt. Sawicki said he had asked for a meeting with the BOS on Sept. 30, but it was cancelled. He wants to know why he is "being pushed out". He stated that he cannot actively fight fires, but could do another job, such as Fire Prevention Officer, if it were offered to him . He referenced letters from physicians indicating that he is able to come back to work on a limited basis.
JPE asked Mr. Ames what is the BOS legality and he said that Capt. Sawicki's knee problem is a definite 111F (Line of Duty injury) but the heart problem that was discovered at Lahey Clinic is the reason he cannot return to firefighting.
Mr. Ames said there are 2 issues at stake: 1. the labor contract and 2. returning uniformed service personnel to light duty. The Town could adopt this policy on a departmental basis, but has not done this yet. It is up to the Chief to offer him another position but the Captain is covered by the labor contract. Acting Chief Sousa stated that Capt.Sawicki has never asked him about the Fire Prevention Officer's job, which is currently being filled by Acting Captain Mike Curran. RAB asked Acting Chief Sousa if there are any positions that he could fill as a non firefighter and he said no - maybe one could be created. Mr. Ames pointed out the Town's liability if they take him back knowing he has a heart problem.
Capt. Sawicki said that he applied for a disability retirement on Oct. 14, that he has sick leave that he can use through June, and added that he would like to work and that he has been doing some investigative work in other towns.

At 9:45 pm Capt. Sawicki was asked to leave the room for 5 minutes.

Capt. Sawicki cont'd

DJR asked Acting Chief Sousa for his recommendations and he said he would need some sort of clearance from a physician if he were to take him back. Mr. Ames said he thinks we should let the Capt. retire, since he has 5 doctors advising him to do so, but that it is up to the Chief. Chief Sousa noted that he is still considered an officer on the payroll now, out on sick leave, and is still accruing more sick and vacation time.

Capt. Sawicki re-joined the meeting at 9:50 p.m. and was told by JPE that the final decision must come from Acting Chief Sousa. He told the Chief to seek advice from Mr. Ames, if he needs to.

Mr. Ames, Acting Chief Sousa and Capt. Sawicki left the meeting.

Re-opening Firefighters Contract

JPE said that the BOS has received a letter from the Firefighters Union asking to re-open their contract because they feel the police got 1% more pay increase than they did. The Board asked Atty. D. Moschos for his opinion and he is advising the Board not to re-open. Motion RAB, second HRJ, to ask Atty. Moschos to send a letter to the Firefighters Union telling that the BOS will not re-open the contract. Roll Call vote was as follows: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

Senator Carol Amick re Trailer Park

Senator Carol Amick then met with the Board to discuss the Trailer Park issue. She stated that she has been working with JPE and DJR on this matter for some time, and gave the background of the various legislative acts that have taken place. She has tried to find options for the tenants - she has tried to find money for the Town to buy the park as a cooperative park. She said that the Town could take the land by eminent domain, that no Town has ever been thrown out of court if each step was done properly, and eventually the Town could run the park as moderate income housing. She suggested that the Board talk to Town Counsel or a Special Eminent Domain Attorney as soon as possible.
Motion HRJ, second BAT, to ask Town Counsel to look into the feasibility of obtaining special counsel for an eminent domain taking. Roll Call vote was as follows: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

At 10:20 p.m. motion DJR, second BAT, to adjourn. Roll Call vote was as follows: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

For the Board of Selectmen, by

Judith E. Carter

MINUTES OF EXECUTIVE SESSION
JANUARY 12, 1987

MEMBERS PRESENT: Mr. Emerson, Mr. Ready, Ms. Towle. Mr. Lynch, Executive Secretary was also present. Mr. Blomgren and Mr. Johnson were absent.

6:15 P.M. - MEETING CALLED TO ORDER - JPE called the Executive Session to order for the purpose of litigation and taking of real property on a motion by DJR, 2nd BAT, unanimous. Roll-call vote was taken: DJR-Aye; BAT-Aye; JPE-Aye.

Town Counsel, James Harrington, was present relative to the issue of taking the trailer park by eminent domain. Mr. Harrington understood it came from Carol Amick and he sees many problems with it. Mr. Harrington stated that the BOS could not go into Town Meeting to take the land unless fully prepared to go forward. The value is in the vacinity of $5 - $6 million. DJR asked if any action in a land taking would hurt the BOS in the pending litigation. Mr. Harrington stated that it would. The BOS would have to be totally prepared to go forward, and would have to show funds and public purpose. It would appear to be a retaliatory action. DJR made a motion based on Town Counsel's advice and to not go forward on the eminent domain taking of the trailer park, 2nd BAT, unanimous. Roll-call vote: DJR-Aye; BAT-Aye; JPE-Aye. Mr. Lynch will contact Carol Amick and advise her of the vote.

Re: Warrant for Special Town Meeting Brought by Wayne Richardson for Discontinuance. Mr. Harrington stated that this exceeds the power of the town to do bylaws and in his opinion it would have to go for special legislation. JPE stated that the president of the tenants association contacted him and stated that they are not supporting Wayne Richardson in this article. There is no way not to call the STM as there are proper number of signatures on petition. The article is not flawed, he has petition to be heard. Perhaps rule out of order on the floor. DJR suggested holding the STM in the Town Hall gym. Mr. Lynch will check the capacity with Bill Edge. Mr. Harrington stated that the Moderator, Dennis McHugh, has the power not to entertain the article. DJR made a motion to hold the STM on February 5, 1987, 7:30 p.m., at McCarthy, Jr. High School, no other articles, 2nd BAT, unanimous. Moderator can close the meeting for lack of quorum. DJR made a motion not to support the article, 2nd BAT, unanimous. Tenants Association should show and vote down the article. BAT requested a copy of reasons of opposition.

Re: Litigation on Trailer Park Civil Rights Action. Mr. Harrington concerned with cemetary use being deleted at Town Meeting and ready to prepare an opinion that procedure was not followed correctly. The insurance companies gave their approval. This now cuts most of the claim out. Possible risk that they come after Town for attorney's fees, reduce judgment. Insurance Company have filed an answer. Liability Carrier (National Casualty) has answer for JPE. They will bring in a Motion for

Summary Judgment and try to get it dismissed. DJR asked if there is a chance for a counter suit. Mr. Perkins stated that if we get a Summary Judgment, then be entitled to go in with a motion for frivolousness. The other carrier, CIGNA, denied coverage the day before the answer. Mr. Perkins informed the senior claims rep, that as far as he is concerned CIGNA owns the case for $45 million. Mr. Perkins stated that the insurance company has the obligation to deny or admit coverage within a reasonable time. CIGNA was on notice on 11/18/86, they promised an answer re coverage in the middle of December and denied the day before the answer. INA general carrier and the main carrier is National Casualty. Mr. Perkins wanted CIGNA to come with Attorneys. BOS asked about changing carriers. Mr. Perkins stated that changing carriers is not feasible at this time. If the Trailer Park gets its permitted use back (cemetary), they will be unable to use as a cemetary due to geographic location, soil, water tables, etc. DJR made a motion to follow Town Counsel's recommendation, 2nd BAT, unanimous. Roll-Call: DJR-Aye; BAT-Aye; JPE-Aye. BAT made a motion to adjourn executive session, DJR 2nd, unanimous. Roll-call: DJR-Aye; BAT-Aye; JPE-Aye.

For the Board of Selectmen

Beth A. Gibbs

Beth A. Gibbs

MINUTES OF EXECUTIVE SESSION
FEBRUARY 2, 1987

MEMBERS PRESENT: Mr. Emerson, Mr. Ready, Ms. Towle, Mr. Blomgren and Mr. Johnson. Mr. Lynch, Ex. Secretary was also present.

MEETING CALLED TO ORDER. JPE called the meeting to order.

RE: FIRE FIGHTERS ARBITRATION - Atty. Moschos was present to update the BOS on various matters. Atty. Moschos stated that the BOS must make a decision on the arbitration now. The Fire Fighters are claiming they are due 40 hours pay for working one holiday. The contract talks about 200% for a holiday. The Fire Fighters are interpreting this to be apart from the days pay for working plus the other condition relative to holidays (1/2 every 6 months). The Fire Fighters feel that working on a holiday they would get a double pay, for example holiday pay, straight pay, and double 40 hours if working on a holiday. The language can support the Fire Fighters argument. Atty. Moschos advised the Town to oppose. JPE stated that if necessary, the matter will go to Court. JPE stated that the language stems from the interpretation of Mr. Pierce, former president of the Union. Atty. Moschos stated that the language should have been kept constant as in the past. Odds are against the Town for winning based on language alone. Mr. Lynch would work at getting the numbers together on exactly what it would cost the Town. RAB made a motion to ask Atty. Moschos for a continuance of the arbitration, ask Mr. Lynch to work the numbers both ways at 1% and the grievance, Atty. Moschos and Mr. Emerson sit down with Mr. Dalton, Union President, not retroactive (1986-1987), rearrange any language and drop any reopeners, 2nd BAT, unanimous. Roll-call vote was taken: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

RE: ADMINISTRATIVE ASSISTANT TO THE PLANNING BOARD - AFSCME has filed a petition. Atty. Moschos feels that this cannot be won. If Ms. Gleason is doing the same thing as other union employees, Atty. Moschos advised putting her in the bargaining unit. The bargaining agent has the legal authority to put someone in the Union. HRJ stated that the Planning Board does not want the BOS mettling in their business. HRJ made a motion to get an opinion from Town Counsel on this matter, send it to the chairman of the Planning Board, and tell him that if they want to fight this issue the BOS will not get in their way and any money for legal counsel must come from the Planning Board and Finance Committee, send a letter delegating authority to Planning Board on this issue only, 2nd DJR, unanimous. Roll-call vote: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye. DJR made a motion to allow the Atty. Moschos to sit in on an Executive Session with the Planning Board to explain the current position and costs, unless Atty. Moschos can do same over the telephone, 2nd HRJ, unani. Roll-call vote: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

RE: RINE DECISION - Which states that if an officer is injured while on duty cannot earn sick leave or vacation during that time. The union is looking for 120 day free period, after 120 days they do not earn any credits. HRJ made a motion to allow 60 days and allow Counsel to fight and use judgment, 2nd BAT, unanimous. Roll-call vote: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

RE: POLICE NEGOTIATIONS - A meeting has been scheduled for a free-flow discussion relative to patrol policies set for Tuesday 2/10/87. DJR made a motion to allow Mr. Lynch to stay in the police discussions, 2nd BAT, unanimous.

BAT made a motion to adjourn, 2nd DJR, unanimous. Roll-call vote: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

Submitted for the Board of Selectmen

Beth A. Gibbs

Beth A. Gibbs

MINUTES OF EXECUTIVE SESSION
MARCH 2, 1987

MEMBERS PRESENT: Mr. Emerson, Mr. Ready, Mr. Blomgren, Mr. Johnson and Mr. Lynch, Executive Secretary.

PLANNING BOARD MEMBERS PRESENT: Mr. Parlee, Mr. MacKenzie and Ms. McCarthy.

This Executive Session was called for a disposition of the grievance pending with the Planning Board Administrative Assistant position. JPE stated that he spoke with John McCarthy, Chairman of the Planning Board. JPE stated that there is a 5-year clause for principal clerk that has been waived, however, the 7-year clause for administrative assistant has never been waived. JPE stated that it was the decision of the BOS to waive the 7-year clause, however, there are 5 other employees wanting to hear the outcome so that they may do the same. Planning Board spoke to legal counsel and decided to leave Ms. Gleason within the bargaining unit. Legal Counsel advised against fighting for grievance. Mr. McCarthy told JPE that they would like to leave the position in the Union at a pay scale similar to what she is making now. In order for Ms. Gleason to make that money, the BOS would have to waive the 7-year clause. HRJ asked the Planning Board members what they wanted to do. JPE stated that this situation should not have happened. BL stated that the Union feels that this job description is similar to other positions in other departments. The Union feels that if the 7-year clause is waived, it should be waived for other employees that have been here longer. Labor Counsel advised not waiving the 7-year clause. JPE stated that if the BOS voted to waive the 5-year clause for principal clerk, Ms. Gleason will be making $16,375 with a 6% increase from last year bringing her salary up to $17,357 and a proposed 5% increase with a total of $18,225.38 as of 7/1/87. Mr. MacKenzie wanted Ms. Gleason to be Departmental Assistant. DJR stated that in doing so, the other Senior Clerks would push for principal clerk. HRJ suggested that the Planning Board members present go back to the other Planning Board members and discuss the options. BL stated that the grievance was being heard on 3/13/87 and both attorneys asked to be told where they stand immediately. DJR made a motion based on Legal Counsel's advise, waiver the position to Principal Clerk and give Planning Board the option to decide pursue litigation if they choose, 2nd HRJ, with discussion, how does Planning Board feel? Mr. MacKenzie stated that there was a clear misunderstanding with the Planning Board and percentage of members present feel that they would like to have enough time to be able to post a meeting for all members to talk about decision. JPE stated that there are time constraints involved. Planning Board will meet and get back to BL on how they will proceed.

RAB was concerned with a retro-payback. HRJ rescinded the second on DJR's motion and the motion was not passed. HRJ made a motion to allow the Planning Board a 48-hour period to get back to BL and let us know how they wish to proceed. DJR made a motion to grant position to Principal Clerk by waiving 5-year clause, 2nd HRJ, unanimous. Roll-call vote: DJR-Aye; RAB-Aye; HRJ-Aye; JPE-Aye. DJR made a motion to ask Legal Counsel to work a motion so that there is not a retro-payback after Planning Board reaches its decision, 2nd HRJ, unanimous. Roll-call vote: DJR-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

LAND TAKING - FLETCHER STREET - Atty. Harrington was present re: taking of land on Fletcher Street owned by Claude Harvey, 460 sq. ft. An appraiser made an appraisal of $1,500 by looking at all factors involved, assessed value ($3,054), etc. Mr. Harvey's taking has no adverse affect on the land. Mr. Harvey is unhappy with amount offered, several problems with taking. Mr. Harrington stated there are many eminent domain takings scheduled with sewer project and prices are not negotiated. Mr. Harrington stated that he would like to know what Mr. Harvey is looking for. Mr. Harrington contacted Atty. Shanahan and was told Mr. Harvey is looking for assessed value ($3,054 or $3,450 - added inflation from the time the assessment was done). Mr. Harrington's recommendation was to let Mr. Harrington to deal with Mr. Harvey. HJR made a motion to negotiate figure and handle and authorize to pay above the appraised value, 2nd DJR, unanimous. Roll-call vote: DJR-Aye; RAB-Aye; HRJ-Aye; JPE-Aye. DJR made a motion to go out of Executive Session, 2nd HRJ, unanimous. Roll-call vote: DJR-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

Submitted for the Board of Selectmen

Beth A. Gibbs Beth A. Gibbs

Executive Session Mar. 9,1987

Executive Session of the Board of Selectmen held March 9, 1987 at 8:50 p.m. for the purpose of discussing strategy with regard to collective bargaining. Members present were: Mr. Emerson, Mr. Ready, Miss Towle and Mr. Blomgren. Bernard Lynch, Executive Secretary, and Judith Carter, Adm. Asst. were also present.

Collective Bargaining - Clerical Union

JPE stated that the Board has voted to waive the 5 year period for making the Planning Board clerical position a Principal Clerk and also voted to waive any negative payback of wages from September through March. The Ex. Sec. said he has consulted with Labor Counsel and the actual difference in pay for the six months is $2,491. Labor Counsel has asked him to make the Board aware that if the union wants to pursue the matter of no payback, they could claim it was an unfair labor practice. He met with the Union presidents today, however, and this was not brought up.

JPE stated that the money was voted at a Special Town Meeting for a position that is not there (Administrative Assistant), app. $3200, and a letter was sent to Mrs. Gleason explaining that this was a provisional raise. It was also stated that when the union contract is settled and other employees get their raises retroactive to July 1 that Mrs. Gleason will only get the difference between what she has already received and what she would be due retroactively as a Principal Clerk.
Motion DJR, second BAT, to have the Ex. Sec. consult with Labor Counsel tomorrow, and if he advises, then talk with the union presidents about not pursuing an unfair labor practice. Roll Call vote was as follows: DJR-Aye; BAT-Aye; RAB-Aye; JPE-Aye.
DJR, HRJ, the Ex. Sec. and Atty. Moschos will bargain with the union. The Ex. Sec. said that they want compensation over 6%, and want to start a grade and step program.

At 9:10 p.m. motion DJR, second BAT, to adjourn the Ex. Session. Roll Call vote was as follows: DJR-Aye; BAT-Aye; RAB-Aye; JPE-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held April 21, 1987 at 6:45 p.m. Members present were: Mr. Blomgren, Mr. Johnson and Mr. Emerson. Bernard Lynch, Executive Secretary, was also present, as was Judith Carter, Adm. Asst. The purpose of the session was to discuss collective bargaining. Ex. Sess. 4/21/87

The Ex. Sec. said that two contracts, Highway and Cemetery, had both been ratified by the unions. The contracts are for 2 years, 5% increase each year; clothing allowance to go up by $50.00 per year; 5 weeks vacation after 20 years of employment; personal days increased to 2; an additional $.15 per hour to Heavy Equipment operators, per year. The Cemetery Asst. Foreman will receive $.50 per hour per year. Union reps. have called 3 Board members at home, asking the Board to re-negotiate the contract to include 2 mechanics. The Board feels this should have been done during negotiations. Highway & Cemetery Union Contracts
The Ex. Sec. said that these contracts have been approved by Labor Counsel., and JPE said that as BOS liaison he is satisfied with them. Motion HRJ, second JPE, to ratify these two contracts. Vote was: HJR-Aye; JPE-Aye; RAB-Aye.

The Ex. Sec. then explained the clerical contract, which he has discussed with Labor Counsel. This contract expired June 30, 1986, and they are looking for increases of 6% effective 7/1/86; Jan. 1, 1987 each member would be placed on a step system, with 16 of 35 members being placed at step 1; 7/1/87 they want a 4½%increase and moved up 1 step. HRJ said that there has been a lot of give and take in the discussions, and this seems fair. They also are asking for a negotiating team of three, rather than the current two, a new grievance procedure, 5 weeks vacation after 20 years of employment, accrued sick leave to be unlimited rather than 130 days and asking for the day after Thanksgiving and 1/2 day on Good Friday. RAB said he has a problem with the added days off. The Ex. Sec. will check with the union, since they have already ratified the contract today, and schedule the matter for a vote on April 27, and have amended budget figures ready at that time. Clerical Union Contract

At 7:10 p.m. motion to adjourn for the 7:30 regular meeting. Motion by HRJ, second JPE. Roll call vote was as follows: HRJ-Aye; JPE-Aye; RAB-Aye;. Adjournment

For the Board of Selectmen, by

Judith E. Carter

EXECUTIVE SESSION OF THE BOARD OF SELECTMEN
MARCH 31, 1987

MEMBERS PRESENT: Mr. Emerson, Mr. Ready, Ms. Towle, Mr. Blomgren and Mr. Johnson. Mr. Lynch, Ex. Secretary was also present.

DJR made a motion to go into Executive Session for the purpose of litigation, 2nd BAT, unanimous. Roll-call vote: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

PRESENT AT MEETING: Town Counsel, James Harrington, Police Chief McKeon and Deputy Chief Greska. Mr. Harrington stated that 11 police officers have been appointed as a result of procedural deficiencies. They did not meet all of the procedural requirements for Civil Service for their appointments to be valid. Mr. Harrington stated that he is looking to have an article placed on the STM to go for special legislation for the purposes of ratifying these police officers to the time of their original appointments. Atty. Harrington has met with the Civil Service Commission who admits that they were partially responsible and will cooperate in any way possible to rectify the matter and get the appointments retroactive. Atty. Harrington has met with Senator Amick's office to get the special legislation in motion. Atty. Harrington stated that he hoped to have a letter from Civil Service by Town Meeting stating that all substantive matters were done correctly and just a matter of a letter not being signed by the BOS and sent to Civil Service for approval and that Civil Service had not sent a letter to the BOS. This special leglislation is only for Chelmsford Police involved in this matter. Chief McKeon is happy with the performance of these officers. Chief McKeon stated that after this meeting, he would speak with the officers and fully explain the situation. DJR made a motion to support the recommedation of Town Counsel, 2nd BAT, unanimous. Roll-call vote: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye. RAB suggested putting this article on a Special Town Meeting along with the snow removal/parking ban situation on Gay and Wright Streets and an article re: tax abatement for the certain elderly.

RE: MASTER PLAN. Atty. Harrington stated the property on Concord Road, Vincenzio's, was changed from a CB zone and on map it came out as a CA. In going through the literature of the Master Plan Committee and Planning Board, Atty. Harrington found nothing relating to this particular lot being changed. The Planning Board has no recollection of this ever being brought up. It is not a lawsuit. Atty. Shanahan is representing Vincenzio's and indicated that he did not believe that the property was to be rezoned and it was a scrivener's error. Atty. Shanahan wanted to know if the Town would be willing to go forward with a friendly suit to make the correction from CA to CB. Planning Board voted unanimously to approve. HRJ made a motion to support the Planning Board's position, 2nd DJR, unanimous. Roll-call vote: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

RE: MMA BINDING ARBITRATION H-1745. DJR made a motion to send a letter to Senator Carol Amick explaining that this would cause the Town problems, 2nd BAT, unanimous.

RAB stated that some records were subpeoned by the U.S. Attorney re: the Master Plan and Planning Board. JPE stated that it is unclear what they are looking for. Mr. Lynch called the U.S. Attorney's office and they would not tell him anything. The BOS is not involved, however, Mrs. St. Hilaire, Town Clerk, is involved as Keeper of the Records. RAB asked if the Town would be giving Counsel to the persons involved. Mr. Lynch stated that Mrs. St. Hilaire has already talked with Atty. Harrington and Atty. Perkins. RAB recommended that the BOS seek independent counsel so as to preclude any conflict of interest with respect to the Town and Atty. Harrington. If Atty. Harrington is involved, he should not accompany any employees to court. Mr. Lynch stated that only the records were subpeoned.

HRJ made a motion to adjourn to Regular Session, 2nd BAT, unani. Roll-call vote: DJR-Aye; BAT-Aye; RAB-Aye; HRJ-Aye; JPE-Aye.

Submitted for the Board of Selectmen

Beth A. Gibbs

Beth A. Gibbs

Executive Session April 27, 1987

Executive Session of the Board of Selectmen held Monday, April 27, 198 at 4:00 p.m. Members present were: Mr. Blomgren, Mr. Johnson, Miss Towle and Mr. Emerson. Mr. Ready joined the meeting at app. 4:30 p.m. Labor Relations Advisor Dee Moschos, Executive Secretary Bernard Lynch and Adm. Asst. Judith Carter were also present, as were Police Chief Raymond McKeon and Deputy Chief Greska.
At 4:06 p.m. motion HRJ, second BAT, to to into Executive Session under Section 2, Sub-section 23B of Chapter 39. Roll Call vote was as follows: HRJ -Aye; BAT-Aye; JPE-Aye; RAB-Aye. Chairman Blomgren stated that the Board will not be reconvening to public session.

Suspension of Officer Scott Ubele

Police Officer Scott Ubele and his attorney Ed Reardon were present. RAB asked Officer Ubele if he wished a public session or executive session and he stated he wishes an Executive Session.

RAB read the letter from the Board to Officer Ubele dated April 23, 1987 informing him of this meeting and telling of his right to be present and have counsel present.

Atty. Moschos outlined the procedure that would be followed: 1. this is not a hearing, but a meeting in Executive Session with the Board of Selectmen to consider a report from the Police Chief regarding Officer Ubele's conduct; 2. The Ex. Sec. will be asked for comments; 3. the officer will speak if he wishes; 4. The Board decides what course of action to take at this time: refer back to the Chief for further information, or take no action, or take under advisement, or take action this afternoon.

RAB asked the Chief to share his report dated April 15, which he did. He read his letter of April 8 to Officer Ubele stating the reasons for his 5-day suspension, which was to take place April 23 - 29, and summarized the police reports.
Chief McKeon then read his memo to the Board dated April 27, 1987 in which he recommended a suspension of at least 6 months and reinstatement if the officer submits to spontaneous drug urinalysis testing.

Selectman Dennis Ready joined the meeting at 4:30 p.m.

The question of Officer's Ubele's seniority time during the suspension was discussed and Atty. Moschos said that as for seniority under the union contract the union would not count the time of the suspension but under the state statute he would keep this time towards his seniority. This would have to be discussed with the union.

Chief McKeon said that when Officer Ubele is arraigned and tried for driving to endanger and driving an uninsured vehicle there is a good possibility that he could lose his license for up to 90 days and could not work as a police officer without a license and the matter would have to be re-considered. Atty. Moschos said if he is under suspension for 6 months, this would not be a problem, but if he is found guilty by the court the Chief would have to come back to the Board to consider further action. Chief McKeon added that he had talked with Officer Ubele about the urinalysis tests, and he said he would talk to his attorney. If the officer does not agree to the testing, the Chief is recommending termination.

RAB asked the Chief changed his recommendation from his memo of April 15 to April 27, and the Chief said he received more documentation from Captain Molleur and general feedback re Officer Ubele's operation of a motor vehicle while off duty. He told the officer about this, and that is when he changed his recommendation to a 6 month suspension.

He informed the officer at that time that he would be changing his recommendation for suspension from 5 days to 6 months.

HRJ asked Atty. Moschos if Officer Ubele is reinstated after 6 months and 2 - 3 years later has a serious accident, what is the Town's liability. Mr. Moschos said that it will be up to the Chief to monitor him very closely, and also have his sergeant do the same, to make sure he is competent to be working. If this is done, the Town is not liable, but if he is not monitored, then the Town could be liable by reason of being negligent.

Chief McKeon said Officer Ubele had indicated to Deputy Chief Fitts that he had contacted Sgt. Kelly of the State Stress Unit, and he confirmed this with Sgt. Kelly.

The Ex. Sec. asked if Capt. Molleur's report is in Officer Ubele's personnel folder, and the Chief said yes. The only other incident in the folder is a report from Capt. Molleur several months ago re the officer speeding in Westford while off duty.

RAB asked Officer Ubele if he wished to comment on the Chief's letter dated April 15, and he said he agreed with that letter. Officer Ubele then said that re Capt. Molleur's letter, he feels that general feedback can be prejudiced, and he asked the Board not to make a determination until he goes to court, because he feels that will prejudice his case. No date has been set yet. He will submit to urinalysis but wants to get the support of the union before doing so. He feels that Capt. Molleur's letter is not true re his attitude toward his fellow officers. Officer Ubele submitted to the Board a letter of commendation from the Chief dated August 18, 1986, which RAB read. Officer Ubele said he had worked 60 - 70 hours the week of the incident and was very tired. He admitted to going too fast and said he blacked out after hitting the first barrel. He said he was coded in his apartment and the ambulance called, but he can't remember what happened. He said that he has been to the State Police Stress Unit and has talked with Sgt. Kelly. Sgt. Kelly suggested that he talk to Dr. Charles Barry to reinforce to the Board that he has no psychological problems.

Officer Ubele denied that he ever was stopped for driving 90 miles an hour in Westford, as indicated in Capt. Molleur's letter - he was stopped for going 15 miles over the speed limit. He said he knew Tyngsboro Road was closed the night of the incident because he had talked to the officer there 1½ hours before going off duty at midnight. JPE asked him about the urinalysis, and the officer said he feels he needs approval from the union because this could be an issue in the future and it is not in their contract to submit to these tests. Atty. Moschos noted that it could be a voluntary arrangement rather than mandatory, and if volutary could go through the Civil Service process since their law is not subject to any union contract. He pointed out that his suspension runs out on April 29 and he must be in some status by then - either working or on leave. We can't put him on leave status unless he voluntarily requests it. The Board could ask him to go on administrative or vacation leave until his court case comes up, otherwise he must report back to work on4/30.

BAT asked the officer what happened before 2:00 am the night of the incident. He said that he left the station at midnight, went home, lert at 12:45 am and went to his girlfriend's house, had had a few drinks and had an argument with his girlfriend at Jasper's. She asked about the outcome of the ambulance call, and he said the para-

Ubele Suspension cont'd

medics had to use airways to start him breathing. He was in ICU for 36 hours, then to intermediate care. He entered the hospital at 3:00 am Friday and was released at 1:00 pm Saturday.

JPE asked him why he had no insurance on his vehicle, and Officer Ubele said it had been cancelled, that he was going to trade in the car the next week. He said he is in great financial difficulty, going through a divorce, paying legal and support fees, $500 rent on his apartment, $270 per month on his car, and he has now moved back home to save money. He has been working overtime to pay bills.
The Ex. Sec. asked if we have access to medical/ambulance reports and the stress test. Chief McKeon said he had called the Stress Unit for a report and Officer Ubele said they will release the report with his permission, which he gave. The Board asked if he had any prior medica problems and he said no.

RAB asked the officer if he would be willing to go on administrative or vacation leave without pay until his court case, and he said his vacation time is used up.
Atty. Moschos said that the officer is asking the Board to defer their decision, but if the Court finds him guilty and confinement is ordered, this might make a difficult situation.

RAB asked the Chief why he asked for voluntary drug urinalysis, and he said it was due to certain feedback, and that the short length of time between midnight and the accident indicated that there may be substance abuse involved. It was also based on his own experiences and the feedback was not documented.

When asked the Ex. Sec. said that the current police contract expires on June 30, 1988.

Atty. Moschos said that the procedure has been properly followed and that the Board has to take action, since the suspension runs out on April 29. The Board has 3 choices: 1. take action; 2. take the Chief's recommendation for a suspension of 6 months, or longer; 3. take Officer Ubele's request and defer any action until after his court case, although he does not recommend that.

HRJ suggested that if he thinks he is guilty, why not start his suspension now.
Motion DJR, second BAT, to suspend Officer Ubele for 6 months effective April 30, conditional on volutary randon urine testing through 6/29/88 and the Board would accept his application for a leave of absence.
Motion DJR, second BAT, to authorize Labor Counsel to prepare charges to the Officer.

After much deliberation on various avenues to take, both motions were tabled.

Atty. Reardon asked them to give him 20 days to get the officer arraigned and a trial date set, and asked that he be on administrative leave so he wouldn't be prejudiced in front of a jury, and said that he would accept a 6 month suspension and voluntary randon urinalysis.

Motion HJR, second BAT, that based on the Chief's recommendation and after long deliberation to authorize Labor Counsel to prepare charges relative to the incident that occurred on April 10 and advise Officer Ubele that the Town is seeking 6 months suspension without pay. Roll Call vote was: HJR-Aye; BAT-Aye; DJR-Aye; JPE-Aye; RAB-Aye.

Motion HJR, second BAT, that the Board of Selectmen request the officer to consider participating in a voluntary urinalysis program. Roll Call vote was as follows: HJR-Aye; BAT-Aye; DJR-Aye; JPE-Aye; RAB-Aye.

Atty. Moschos said he will prepare the charges and the officer will accept them. He also suggested that if asked, the Board announce to the public and press that as a result of a meeting on April 27 the Board has requested Labor Counsel to prepare charges against Officer Ubele relative to the incident on April 10. The Board should have no further comment because this matter is involved in litigation.

Police Officer William Strobel

At 5:45 pm the Board met with Police Officer William Strobel. RAB read the letter to Officer Strobel from the Board dated April 23, notifying him of the meeting and telling him his rights. When asked, Officer Strobel said he would like the meeting to take place in Executive Session.

Atty. Moschos outlined the process: The Police Chief would report, then the Ex. Sec., Board members can ask questions and Officer Strobel will be allowed to speak and answer questions.

He said we are considering two items:

1. Officer Strobel has filed an appeal of his 5 day suspension by the Chief with the Board. The Board has to either hold a hearing within 5 days or Officer Strobel can waive the 5-day period and arrange for a mutually convenient later date for a hearing.
2. To consider the report from the Chief relative to the officer's off-duty actions.

Atty. Moschos told Officer Strobel that this is not a hearing but a meeting. Officer Strobel said he wants to get it over with, he wants to present his side and agreed to wiave the requirement relative to the date of the hearing on the appeal to a time mutually agreeable to himself, the appointing authority and Labor Counsel.

Chief McKeon then reported that he had recived a report from the Tyngsboro Police Dept. on April 13, 1987, which he read. The report indicated that the police had been called to the Strobel home because Officer Strobel was hurting his wife. He later supposedly called threatening to kill himself and her. Officer Strobel disappeared for 2 days and told the Chief he had gone to North Carolina. When he returned the Chief spoke with both Officer Strobel and his wife, and asked the officer to admit that he has a drinking problem. He has already been suspended twice, and feels he is a dangerous liability to the Town, and has told him so. The officer had admitted to once drinking on the job.
Chief McKeon said he recommends that the Board terminate the officer unless he has contracted to institutionalize himself, in which case he would offcer him a 6 month suspension, including the time spent in an institution.

Officer Strobel then spoke, stating that he felt the report from the Chief was partly factual, partly non-factual. He said that 2 years ago he had a serious drinking problem, that he went to AA for a while, but stopped going because he needed to work as much as possible for financial reasons.. He claimed that now he only drinks occasionally and has an appointment at 1:00 pm tomorrow to start a rehabilitation program through HELP, in Woburn. He admitted that he is an alcoholic that his job means a lot to him and he feels he is a good police officer. He also claimed he did not strike his wife, only bent her hand, and did not threaten to kill anyone.

Atty. Moschos said that under state statute since Officer Strobel has admitted that he is an alcoholic, he should be placed on sick leave and a medical leave of absence. He should be advised that the Board won't act on his termination if he agrees to participate in a program. He also told the Chief to take all his weapons and equipment, and that the Tyngsboro Police Dept. should be advised. He added that the Board has to accommodate him for a reasonable period of time since he has agreed to a rehabilitation program.

After discussion, motion HRJ, second BAT, to table the recommendation of the Chief to terminate. Roll Call vote was as follows: HRJ-Aye; DJR-Aye; JPE-Aye; BAT-Aye; RAB-Aye.

Motion HRJ, second BAT, to grant Officer Strobel a medical leave of absence with the following conditions: 1. first utilize sick time and vacation time; then medical leave without pay (Ch. 31); 2. try to be admitted into an inpatient program; and 3. seek help from a recognized alcoholic rehabilitation program. Roll Call vote was as follows: HJR-Aye; BAT-Aye; DJR-Aye; JPE-Aye; RAB-Aye.
Officer Strobel was told that the Board will require documentation of his commitment to a rehab institution, and requires a report on his medical status every 2 weeks for 60 days from his doctor. His request for the waiver of suspension will be discussed after his course of treatment.
Atty. Moschos told the Board to tell the press, if asked, that Officer Strobel is on medical leave.

At 6:22 p.m. motion HRJ, second BAT, to adjourn. Roll Call vote was as follows: HJR-Aye; BAT-Aye; DJR-Aye; JPE-Aye; RAB-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, August 17, 1987 at 6:45 p.m. Members present were: Mr. Blomgren, Mr. Johnson, Mr. Ready and Mr. Emerson. Judith Carter, Adm. Asst. was also present, as were Police Chief McKeon and Atty. Charles Perkins, from Town Counsel's office.

Atty. Perkins stated that the purpose of the meeting was to enter into an agreement to accept a patented suicide prevention device known as "The Chief", which was given to the Town for $1.00. He explained that the patent company is not yet insured for liability so we would have to indemnify them if we accept this device until such time as they have insurance. HJR said he feels the Town would be much more liable if we do not accept such a device when it is available. Chief McKeon explained the device, stating that the device has been placed in one cell - that there are sensos strips running under mats and the bunk, that anyone off his feet more than 3 seconds will activate the alarm. He added that it is aesthetically pleasing, and that the City of Everett is using it in all their cells. HJR moved, seconded by DJR, that we accept the contract with the proviso that the Chairman state that we have entered into the contract. Roll Call vote was as follows: HJR-Aye; DJR-Aye; JPE-Aye; RAB-Aye.

At 7:00 p.m. motion HRJ, second DJR, that the Board adjourn. Roll Call vote was as follows: HJR-Aye; DJR-Aye; JPE-Aye; RAB-Aye.

For the Board of Selectmen, by

Judith E. Carter

MINUTES OF EXECUTIVE SESSION
OF
BOARD OF SELECTMEN
MAY 11, 1987

THIS MEETING WAS HELD AT THE McCARTHY JR. HIGH SCHOOL.

MEMBERS PRESENT: Mr. Blomgren, Ms. Towle, Mr. Ready and Mr. Emerson. Mr. Johnson was absent. Mr. Lynch, Executive Secretary was also present.

6:30 P.M. - MOTION TO GO INTO EXECUTIVE SESSION: BAT made a motion to go into Executive Session for the purpose of collective bargaining, 2nd DJR, Roll-call vote: BAT-Aye; DJR-Aye; JPE-Aye; RAB-Aye, unanimous.

Lawrence Ferreria, 81 Riverneck Road, was present regarding a grievance he filed with the Highway Department regarding missed over-time. Michael Gormley, Business Agent, I.U.O.E. Local 877, 875 Providence Highway, Dedham, MA, was present on Mr. Ferreria's behalf. Mr. Gormley stated that on April 5, 1987, Mr. Ferreria missed overtime work performed by all employees in Mr. Ferreria's job classification at the Highway Dept. because the Foreman, Arthur Deschaine, did not leave a message on Mr. Ferreria's answering machine. Mr. Gormley stated that the Foreman performed bargaining unit work. Mr. Ferreira requested 8 hours double-time pay. Mr. Gormley stated that Mr. Ferreira had an answering machine put in for personal reasons to screen calls. Mr. Ferreira was home all day and would have been able to break into the message or call the Foreman back. Mr. Gormley believes that this is a special type of circumstance and requested that Mr. Ferreira be paid the over-time as outlined. DJR asked for the number of hours worked by the employees that were called. Mr. Gray, Highway Supt., stated that it was a 4 hour call, whether they work 1 hour or 4 hours. DJR stated that the request was for 8 hours pay. Mr. Gray stated that on Sunday the overtime becomes double-time. Mr. Ferreira stated that between the hours of 2AM - 9AM all the men were called; this is the first 4 hours of overtime. Mr. Ferreria stated that the Foreman told him he tried to call at 7PM. DJR asked Mr. Ferreira why he was not asking for the opportunity to work. Mr. Gormley stated that the Highway Dept. should have to pay for its mistake. Mr. Gray stated that Mr. Ferreira has never missed an opportunity for overtime. Mr. Gray stated that there is a call list by classification for over-time. JPE made a motion to take the matter under advisement and report back within 10 days, 2nd BAT, roll-call vote: BAT-Aye; DJR-Aye; JPE-Aye; RAB-Aye; unanimous.

7:00 P.M. - MOTION TO GO OUT OF EXECUTIVE SESSION - BAT made a motion to go out of Executive Session, 2nd JPE, roll-call vote: BAT-Aye; DJR-Aye; JPE-Aye; RAB-Aye; unanimous.

7:30 P.M. - MOTION TO GO BACK INTO EXECUTIVE SESSION - DJR made a motion to go back into Executive Session for the purpose of collective bargaining, 2nd BAT, roll-call vote: BAT-Aye; DJR-Aye; JPE-Aye; RAB-Aye; unanimous.

BAT made a motion to give 4 hours overtime to Mr. Ferreira and the foreman must leave a message of name, time and purpose of call, on answering machines, employee will call back, also look at procedures and tighten them up, 2nd DJR, roll-call vote: BAT-Aye; DJR-Aye; JPE-Aye; RAB-Aye; unanimous.

7:35 P.M. - **MOTION TO GO OUT OF EXECUTIVE SESSION** - DJR made a motion to go out of Executive Session, 2nd BAT, roll-call vote: BAT-Aye; DJR-Aye; JPE-Aye; RAB-Aye.

For the Board of Selectmen

Beth A. Gibbs

Beth A. Gibbs

MINUTES OF EXECUTIVE SESSION OF THE BOARD OF SELECTMEN
JULY 20, 1987

MEMBERS PRESENT: Mr. Blomgren, Mr. Johnson, Ms. Towle and Mr. Ready. Mr. Emerson was on vacation. Mr. Lynch, Executive Secretary was also present.

PLANNING BOARD - Mr. Lynch stated that the Christine Gleason and the Planning Board have asked that she be paid the retroactive pay in the amount of $397.00. The Union initially did not feel that Ms. Gleason was justified in being paid the retroactive pay. However, they did want to represent Ms. Gleason fairly. HRJ made a motion to retroactively pay Ms. Gleason from 7/1/86 - 9/4/87 and 3/11/87 - 6/30/87, 2nd BAT, unanimous. Roll call vote: HRJ-AYE; BAT-AYE; DJR-AYE; RAB-AYE.

TOWN OF CHELMSFORD VS. CARRICK AND PANESITTI - Town Counsel proposed executing an Agreement for Judgment, Carrick and Panesitti will pay legal fees in the amount of approximately $4,000-$5,000; Agreement for Judgment stating that if any further violations occur they will pay $20,000 in fines and that the Town review all purchase and sale agreements on the premises to assure that the premises will stay in compliance upon the sale of the property. DJR made a motion to support Town Counsel's recommendations, 2nd HRJ, unanimous. Roll call vote: HRJ-Aye; BAT-Aye; DJR-Aye; RAB-Aye.

It was determined that Healthnet Lease for Center School could not be discussed due to a possible conflict of interest with BAT and DJR as pertains to Wang.

OLD TOWN HALL LEASES - DJR made a motion to allow Bernard Lynch and Attorney Charles Perkins to negotiate lease, 2nd BAT, unanimous. Roll call vote: HRJ-Aye; BAT-Aye; DJR-Aye; RAB-Aye.

HRJ made a motion to go out of Executive Session, 2nd BAT, unanimous. Roll call vote: HRJ-Aye; BAT-Aye; DJR-Aye; RAB-Aye.

BAT made a motion to adjourn, 2nd HRJ, unanimous. Roll call vote: HRJ-Aye; BAT-Aye; DJR-Aye; RAB-Aye.

For the Board of Selectmen

Beth A. Gibbs

Beth A. Gibbs

MINUTES OF BOARD OF SELECTMEN EXECUTIVE SESSION
AUGUST 26, 1987

MEMBERS PRESENT: Roger A. Blomgren, Henrick R. Johnson, Jr., John P. Emerson, Jr. were present. Bonita A. Towle and Dennis J. Ready were absent. Bernard Lynch, Executive Secretary and Deputy Chief James Greska, were also present.

Mr. Blomgren opened the meeting of August 26, 1987 and asked Officer Roland Linstad if he wanted this meeting to be public or in executive session. Officer Linstad requested Executive Session.

Mr. Johnson made a motion to go into Executive Session, 2nd Mr. Emerson, unanimous. Roll-call vote: Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye.

Attorney Dee Moschos, Labor Counsel, was present representing the Town of Chelmsford.

Sgt. Raymond McCusker, President of Police Union Local 341, IBPO, requested a continuance on behalf of Officer Linstad. Officer Linstad will be contacting the Union attorney for representation.

Attorney Dee Moschos agreed to a continuance of this matter. The date of continuance to be determined between both Attorneys, Mr. Lynch and Mr. Blomgren.

For the record, Attorney Moshos introduced as Exhibit "1" the suspension from the Chief of Police, Raymond McKeon and Exhibit "2" the appeal by Officer Linstad.

Mr. Johnson made a motion to grant the continuance, 2nd Mr. Emerson, unanimous. Roll-call vote: Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye.

Mr. Johnson made a motion to go out of Executive Session and adjourn, 2nd Mr. Emerson, unanimous. Roll-call vote: Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye.

For the Board of Selectmen
Beth A. Gibbs
Beth A. Gibbs

EXECUTIVE SECRETARY MEETING

RE: SUSPENSION OF OFFICER ROLAND LINSTAD

Mr. Blomgren stated that the suspension of Officer Linstad would be from August 30, - September 1, 1987. If he wins the appeal he will get his pay restored. Mr. Blomgren suggested delaying the suspension until the outcome of the appeal. Attorney Moschos stated that the Chief of Police has imposed the suspension not the Board of Selectmen. It would be the Chief's decision. Mr. Johnson asked Attorney Moschos what the chances would be of Officer Linstad dropping the appeal after talking with counsel. Attorney Moschos stated that in speaking with the Chief it was rumored that there may be a question of disability claims and liability, if that is the case the appeal will not be dropped. Attorney Moschos stated that Officer Linstad last reported to the station at 2:00 a.m., was finally found on the passenger side of the cruiser, his gun belt had been removed and his hat was in the back seat at approximately 8:00 a.m. on July 25, 1987.

Attorney Moschos asked the Board if they wanted to have a hearing officer hear the case and make a recommendation. The Board was against having a hearing officer.

Chief of Police Raymond P. McKeon joined the meeting.

Attorney Moschos stated that the Board could bring other charges on this matter, i.e., sleeping on duty, not keeping contact, etc. HRJ suggested leaving the matter as is, but leaving this option open.

Attorney Moschos, Chief McKeon and Deputy Chief Greska were going to meet later in the morning to prepare case. It is understood that Officer Linstad was going to claim the car was defective. Mr. Greska stated that he spoke with 2 other Officers who are willing to come before the Board stating that they had driven the cruiser before Officer Linstad without any problems. Attorney Moschos warned that there may be a potential liability problem.

Attorney Moschos will obtain a stenographer for the testimony at the hearing. Attorney Moschos will work out a date with Mr. Lynch, Mr. Blomgren, Chief McKeon, and Officer Linstad's Attorney. Attorney Moschos stated that whoever sits for hearing, they have to sit for entire hearing, cannot be absent for any portion.

MINUTES OF EXECUTIVE SESSION OF THE BOARD OF SELECTMEN
SEPTEMBER 14, 1987

MEMBERS PRESENT: Mr. Blomgren, Mr. Johnson, Ms. Towle, Mr. Ready and Mr. Emerson. Mr. Lynch, Executive Secretary was also present.

PRESENT: Atty. John Chinian, Labor Counsel; Frank Peterson, Cemetery Supt.; Michael Gormley, Business Agent; Frederick Dillon, Union Rep.

6:30 P.M. CALL TO ORDER - Mr. Blomgren called the meeting to order.

MOTION TO GO INTO EXECUTIVE SESSION: Mr. Johnson made a motion to go into Executive Session, 2nd Ms. Towle, unanimous. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Emerson-Aye, Mr. Blomgren-Aye.

Atty. Chinian stated that the BOS was to consider the appeal of the Union regarding the denial of the Cemetery Supt. of the Union Grievance regarding a one-day suspension of Paul Baxendale for improper use of Town property.

Atty. Chinian introduced into the record the original reprimand dated 7/29/87 from Frank Peterson to Paul Baxendale outlining the reason for the 1-day suspension.

6:40 P.M. - Mr. Ready joined the meeting and was in favor of Executive Session.

Atty. Chinian also introduced into the record a copy of the original grievance filed by Mr. Baxendale; the answer of the Superintendent; notice received on 8/31/87 by the BOS from Mr. Baxendale regarding his appeal; and a copy of the notice to Mr. Baxendale regarding the hearing of 9/14/87.

Atty. Chinian suggested that the Union express their views, the Town will then respond and the BOS can take the matter under advisement.

Michael Gormley, Business Agent, I.U.O.E. Local 877, 875 Providence Highway, Dedham, MA 02026, requested a postponement due to the fact that Mr. Baxendale was not present. Mr. Gormley stated that at 6:20 p.m. this evening he was informed that Mr. Baxendale's wife called the Cemetery Dept. stating that he was unable to work today. Mr. Gormley felt it difficult to proceed without Mr. Baxendale. He recognized that it would be inconvenient to postpone the hearing. Mr. Lynch stated that Mr. Baxendale was notified by Constable. Mr. Baxendale did not contact the BOS office or Mr. Gormley to notify of his absence.

Atty. Chinian was opposed to a continuation and wished to proceed and consider the matter. Mr. Baxendale received notice, filed appeal, gave no prior notice of absence, the Union is present. Mr. Johnson was in favor of a postponement as there may be extenuating circumstances. Mr. Johnson felt that Mr. Baxendale should be given a second chance. Mr. Johnson made a motion to postpone and to send a letter to Mr. Baxendale that if he does not attend next hearing, it will be the BOS's understanding that he does not wish to come before the BOS, 2nd Mr. Ready, Mr. Emerson stated that if Mr. Baxendale does not attend, the BOS will assume that he has no defense. Roll-call vote: Mr. Johnson-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Ms. Towle-Nay; Mr. Blomgren-Nay. Motion passed on a 3-to-2 vote. The meeting will be rescheduled to 9/28/87.

Atty. Chinian stated that under the Collective Bargaining Agreement responses due on 9/30/87 and in order to adhern to contractual agreements that the Union consider extending answer to appeal of Union. The Union was in agreement.

Ms. Towle asked if anyone had received a telephone call from Mr. Baxendale explaining his absense. Mr. Gormley did not receive a call nor did the Selectmen's office. It was Atty. Chinian's understanding that Mr. Baxendale's wife called the Cemetery Department this morning stating that Mr. Baxendale would be taking vacation time (as well as the Friday prior).

SPECIAL COUNSEL – Atty. David Tobin, Special Counsel, was present to bring the BOS up to date on Scotty Hollow. Mr. Tobin met with an engineer and Board of Health. Mr. Tobin was not clear on the ownership of the common area of the condominium. He did view the site and met with Atty. James Geary (Atty. for Hicks) to determine what was needed to accomplish the land swap. Atty. Geary wanted to put additional condominium units on the land. Mr. Tobin told him that it was not the BOS's authority but the Planning Board if a subdivision was necessary. There was a letter from Atty. Harrington to Atty. Geary enclosing deeds to accomplish the land swap and stating that there would be no additional condominiums on this one acre parcel. Atty. Tobin felt that until such time as the BOS gives authorization for a site plan, Hicks has no standing before the Planning Board. Atty. Tobin advised the Planning Board of this issue and they agreed to postpone Hicks' hearing. Atty. Tobin stated that the options available are: convey with restriction for no development; convey on land swap with no restriction and Hicks can go to Planning Board or take and close landfill by eminent domain. Mr. Emerson stated that this parcel of land was not considered for development because of the liability involved with methane gas eminating from the landfill. Mr. Johnson stated the the Town should sign off any and all liabilities in the land in

case of problems occurring. Mr. Emerson stated stated that the Town is dealing in time constraints, area should have been loamed and seeded by now. Looking at heavy penalties. Mr. Johnson made a motion that provided that the land and parcel conveyed not be used as landfill (re: problems with gas, potential hazards, etc.) offer Mr. Hicks the conveyance of the parcel, he will convey to the Town to close landfill with access along perimeter, 2nd Ms. Towle, unanimous. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye.

MOTION TO ADJOURN - Mr. Johnson made a motion to go out of Executive Session, 2nd Ms. Towle, unanimous. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye.

For the Board of Selectmen

Beth A. Gibbs

Beth A. Gibbs

Executive Session of the Board of Selectmen held Thursday, October 22, 1987 at 5:30 p.m. Members present were: Mr. Blomgren, Miss Towle and Mr. Ready. Bernard Lynch, Ex. Sec. and Judith Carter, Adm. Asst. were also present.

Motion by Mr. Ready, seconded by Miss Towle, to go into Executive Session to discuss the opinions received from Labor Relations Attorney D. M. Moschos and the defendant's Attorney Harry Beach Dougherty relative to the hearing held with Police Officer Roland Linstad on October 1, 1987. Roll Call vote was as follows: Miss Towle - Aye; Mr. Ready - Aye; Mr. Blomgren - Aye.

Mr. Blomgren stated that he had reviewed all the testimony and evidence from the hearing and felt that the evidence shows that it was the officer's intent to sleep. Mr. Ready moved, seconded by Miss Towle, that the Board support the suspension of Officer Linstad and utilize the Decision written by Attorney D. M. Moschos and sign the Determination supporting Officer Linstad's 3-day suspension. Roll Call vote was as follows: Miss Towle - Aye; Mr. Ready - Aye; Mr. Blomgren - Aye.

At 5:40 p.m. motion by Mr. Ready, seconded by Miss Towle, to adjourn. Roll Call vote was as follows: Miss Towle - Aye; Mr. Ready - Aye; Mr. Blomgren - Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, November 23, 1987 at 6:30 p.m. Members present were: Mr. Blomgren, Mr. Johnson, Miss Towle, Mr. Ready and Mr. Emerson. Bernard Lynch, Executive Secretary, Judith Carter, Adm. Asst. and Atty. John Chinian, Labor Relations Advisor, were also present. Ex. Sess. Nov. 23

Motion by Mr. Johnson, seconded by Miss Towle, to go into Executive Session for the purpose of discussing stragegy regarding collective bargaining. Roll Call vote was as follows: Mr. Johnson -Aye; Miss Towle - Aye; Mr. Ready - Aye; Mr. Emerson - Aye;Mr. Blomgren - Aye. Collective Bargaining

Fire Chief Robert Hughes, Union President William Dalton and Firefighter Brian Stanton were present. Atty. Chinian said that Mr. Stanton had filed a grievance regarding bereavement leave, and the issue is: is a fireman entitled to bereavement leave if he is on vacation prior to the death of a relative. He noted that Fireman Brian Stanton was on vacation when his father-in-law died, and after he returned to duty he asked that his vacation time be changed to bereavement time. The Chief stated that Mr. Stanton was not on a work status but a previously planned vacation when the death occurred Atty. Chinian advised that if the Board were to grant the grievance they would be questioning the general status of bereavement leave, and he wants to avoid a hearing situation. Mr. Johnson questioned how far back could other fighters go to request bereavement time and Atty. Chinian said it would be opening a Pandora's box. Firefighter Stanton Grievance re Bereavement Time

Atty. Chinian stated that this meeting is at the request of Local 1839 to consider a grievance filed by Firefighter Stanton, which was denied by the Chief and the union is now appealing to the Board.

Firefighter Stanton then presented his case to the Board, stating that his father-in-law Edward Hart died on August 31. Mr. Stanton would have begun his first night shift on that night if he was not on vacation. His normal night shifts would have been Aug. 31 and Sept. 1 and he feels that his vacation ceased when Mr. Hart died and that he then entered a period of bereavement. He was told that he should write a letter to the Chief stating this, which he did, and the Chief denied him. Mr. Dalton said that according to the bereavement leave article in the contract, it states that bereavement time will not be deducted from vacation time, that this is their interpretation of the contract.

The Chief stated that as past practice bereavement leave was given for the days of the wake and the funeral, and there is no record of any firefighters getting bereavement leave while on their days off. Mr. Dalton said that this would have been his scheduled off time, and the Chief stated that at the end of his 2 nights his work time would have ended and he would have been off the days of the wake and funeral. Mr. Dalton said that this has not been done before because it has never come up before, and the article states that bereavement time will not be taken from vacation time. The Chief said he feels the article is wrongly worded that there has never been a case like this before, and he know of no one in the past who received 3 days bereavement. Mr. Stanton said that if he had been working at the time of the death he would have gone home and that would have been bereavement. The Chief again said that past practice has been that bereavement days are only those of the wake and the funeral.

Atty. Chinian then read Section A of Article 29 of the contract, stating that the intent is to allow a person scheduled to work to be allowed time off without loss of pay, and Section B does not state what happens if the person is not scheduled to work.

Mr. Dalton claimed that he was technically scheduled to work but was on vacation. Mr. Blomgren asked if a firefighter is on duty and learns of a death in the family, what happens, and the Chief said he is sent home on vacation or personal time, that the bereavement time is only the days of the wake and the funeral. He then asked the Chief if Firefighter Stanton had been working, when would bereavement have been granted and he said Sept. 2, 3 and 4. Mr. Stanton said that if he had been sent home on vacation at the time of the death, he would not have left the building. Atty. Chinian said the language has been in the contract for a long time and the understanding has been for the days of the wake and funeral. The Chief said he had checked back records, and with the past chief and deputies and this has never been done - granting bereavement time while on vacation, and it is a general flaw in the contract. Firefighter Stanton again said he is seeking re-instatement of his 2 lost shifts.

At 7:07 pm the union members and the Chief left the meeting.

Mr. Blomgren asked if anyone supported the grievance and all members said No. Mr. Johnson moved. seconded by Miss Towle, to deny the grievance. Roll Call vote was as follows: Mr. Johnson - Aye; Miss Towle - Aye; Mr. Ready - Aye; Mr. Emerson - Aye; Mr. Blomgren - Aye. Atty. Chinian will draft a letter.

Mr. Lynch then told the Board that there was a flaw in the Apple Country Club's notification to the Town that they intended to sell. Mr. Johnson asked if the Board should get an independent appraisal, and Mr. Lynch said he would recommend that the Board dismiss the article on the STM warrant and do a feasibility study of municipal courses. The Town has 120 days under the first right of refusal, and the country club had been offered $1.6 million but the deal fell through.

At 7:15 pm motion by Mr. Johnson, seconded by Miss Towle, to go out of Executive Session. Roll Call vote was as follows: Mr. Johnson - Aye Miss Towle - Aye; Mr. Ready - Aye; Mr. Emerson - Aye; Mr. Blomgren - Aye.

For the Board of Selectmen, by

Judith E. Carter

Ex. Sess. Jan. 25, 1988

Executive Session of the Board of Selectmen held Monday, January 25, 1988 at 6:20 p.m. Members present were: Mr. Johnson, Miss Towle and Mr. Ready. Bernard Lynch, Ex. Sec., and Judith Carter, Adm. Asst. were also present, as were Labor Relations Counsel D. M. Moschos, Police Chief McKeon, Deputy Chiefs Fitts and Greska and Fire Chief Robert Hughes. The purpose of the session was to discuss strategy with regard to collective bargaining. Mr. Johnson announced that Mr. Blomgren and Mr. Emerson were out of Town and would not be present.

Strategy re Collective Bargaining - Police and Fire Unions

Atty. Moschos presented each member with a Confidential Draft of Town of Chelmsford Proposals to Local 341, IBPO (Police Union) and Town of Chelmsford Proposals to Local 1839, IAFF (Fire Union). He stated that the Police Contract had been re-worded by his office, and that the Fire proposal will reflect the same changes in wording. He then went through the proposed changes in what will be offered to the Fire Department, as outlined in his draft proposal.

One item discussed was outside detail work, since the Police Dept. can't handle all the assignments due to all the construction in Town. Mr. Ready noted that the Fire Dept. receives no Overtime, and asked if they could be allowed to work before the work is offered to outsiders Chief McKeon noted that the Police Union has strong feelings on this matter - that they want the Fire Dept. to become Auxiliary Police and go to the Auxiliary Academy, and then put in some free time, as other Aux. Police have had to do before doing detail work. Members discussed whether they should negotiate this with the Police, or make an offer to the Fire Dept. Chief Hughes said that firemen do duty work in other towns. Mr. Johnson said he could foresee a liability problem if they worked without training, and Atty. Moschos said they would have to bargain for it, and insist on training.

Mr. Johnson asked if the Board could wait and do the update of the proposals and Atty. Moschos said yes, and briefly outlined the changes in the police contract.

Chief Hughes said that the 911 system was discussed at his last chiefs' meeting and they were told that the E-911 was much better, and asked why the Board is looking at an out-dated 911 system. The Board told him that they want a system as soon as possible, and the E-911 system will not be feasible for a few years.

Session Adjourned -

Motion by Mr. Johnson, seconded by Miss Towle, to adjourn the session at 7:20 p.m. Roll Call vote was as follows: BAT- Aye; DJR-Aye; HRJ-Aye.

Ex. Sess. to Discuss Criminal Investigation

At 7:21 p.m. motion by Miss Towle, seconded by Mr. Ready, to go back into Executive Session for the purpose of discussing a criminal investigation. Roll call vote was as follows: BAT-Aye; DJR-Aye; HRJ-Aye.

Chief McKeon said he had talked with Atty. Moschos about the Scott Ubele case and they are recommending the following: that Officer Ubele admit to conduct unbecoming an officer; that he be suspended for 60 days without pay; that he undergo psychiatric counseling, and that the report must be favorable, not negative; that when he returns to work he be on administrative duty, with a restricted work week of not more than 48 hours; that he refrain from using alcohol; that he not be issued a weapon while on desk duty; that he agree to random urine testing after July 1, and that any further incidents will mean immediate termination. Atty. Moschos said he feels the officer could be mentally unstable and he must understand, that if he is not found fit, we will have to fire him.. Motion by DJR, seconded by BAT, to agree with the recommendations and to proceed with the necessary procedures. Roll call vote was as follows: BAT-Aye; DJR-Aye; HRJ-Aye.

Session Adjourned

Ex. Sess. to Discuss Pending Litigation Wiggin Street

Motion by DJR, second BAT, to end this session at 7:28 p.m. and to go back into Executive Session to discuss pending litigation. Roll Call

vote was as follows: BAT-Aye; DJR-Aye; HRJ-Aye.

Pending Litigation - Wiggin St.

Town Counsel James Harrington was present to bring the Board up to date on the Wiggin Street litigation. He said that the Town is coming up for trial in their suit against Co-Mac, Aetna Insurance and the individuals involved. He stated that Mr. and Mrs. McGarry will pay $46,500 to the Town by April 1, and if not by that date, they will have to pay $75,000. The road can be finished for that amount. Motion by DJR, second BAT, to follow Town Counsel's recommendation to accept the settlement. Roll call vote was as follows: BAT-Aye; DJR-Aye; HRJ- Aye.

At 7:30 p.m. motion by Mr. Ready, seconded by Miss Towle, to adjourn Executive Session and open the regular meeting. Roll Call vote was as follows: BAT-Aye; DJR-Aye; HRJ-Aye.

Adjournment

For the Board of Selectmen, by

Judith E. Carter

EXECUTIVE SESSION OF THE BOARD OF SELECTMEN
FEBRUARY 22, 1988

MEMBERS PRESENT: Mr. Blomgren, Mr. Johnson, Ms. Towle, and Mr. Ready. Mr. Emerson was absent. Mr. Lynch, Executive Secretary was also present.

6:00 P.M. Mr. Johnson made a motion to go into Executive Session for the purpose of collective bargaining, 2nd Ms. Towle. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Ready-Aye; Mr. Blomgren-Aye.

Attorney D. M. Moschos, legal counsel for the Town of Chelmsford and Raymond P. McKeon, Chief of Police, were also present.

This Executive Session was held to determine the suspension of Officer Scott Ubele relative to charges of behavior unbecoming a Police Officer.

6:30 P.M. Chief McKeon left the meeting to call Officer Ubele. Upon the Chief's return it was determined that Officer Ubele indicated that he had no received notification of this hearing and was unable to appear this evening.

Attorney Moschos suggested opening the hearing, reading the charges and then get Officer Ubele to sign off. Mr. Blomgren stated that he wanted Officer Ubele to be present in session. Attorney Moschos stated that the BOS could open the meeting and move for a continuance until 2:30 February 23, 1988, as stated in Chapter 31 of the M.G.L.

Mr. Blomgren called the meeting to order for the purpose of commencing the hearing.

Attorney Moschos stated that the Town of Chelmsford has notified Officer Ubele relative to a proposed suspension. Attorney Moschos entered into the record the Town's Exhibit "1" - the charges. Further, Officer Ubele is not present due to an apparent confusion as to the time of the hearing. The Town moves that the BOS continue the hearing until 2:30 February 23, 1988 or such time as the Chairman may call if that time is not convenient. Mr. Johnson made a motion to reconvene at 8:00 P.M. on Thursday, February 25, 1988, 2nd Mr. Ready. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Ready-Aye; Mr. Blomgren-Aye; unanimous.

Mr. Blomgren stated that he felt very strongly about reinstating Officer Ubele. Mr. Blomgren stated that Officer Ubele should be discharged from the service of Police Officer. Attorney Moschos stated that in order to fire Officer Ubele, Attorney Moschos would have to be very strenuous in proving how outrageous Officer Ubele was. It would be an invitation to very serious law suits. Attorney Moschos stated that he and Chief McKeon tried to structure that Officer Ubele would be under very close supervision and would not go back to work until he was cleared. If Officer Ubele does not respond, then the Town could initiate action.

In the case of firing Officer Ubele, Attorney Moschos stated that it would be a judgement call on the part of the BOS. The way Civil Service is and the fact that Officer Ubele's initial actions were proper, we would have to show that in the end he was attempting to kill the man. For Attorney Moschos to prove that would expose the Town to heavy liability. Attorney Moschos is trying to suspend Officer Ubele on charges of conduct unbecoming an officer and making no reference to the incidents that happened on the highway. Attorney Moschos will tell Officer Ubele that he cannot return to duty unless he is cleared by a doctor of the Chief's choosing. Attorney Moschos stated that the Town has reserved the right that if Dr. Barry has any negative reports and determines that Officer Ubele is unfit to carry a weapon, then the Town can terminate. If Dr. Barry allows, then Officer Ubele will be in an administrative position with the Police Department, if not, Officer Ubele will not be reinstated. Dr. Barry is the original doctor who tested Officer Ubele before becoming a Police Officer.

Chief McKeon feels that Officer Ubele has great potential. He has had good feedback from other Officers. The Chief will control Officer Ubele's work schedule (no more than 48 hours). Officer Ubele will also not drink for one year. The Chief is willing to aggressively enforce the agreement and in doing so has contained the liability on both sides. Officer Ubele will not be back on duty until a psychologist has cleared him. The BOS requested getting Dr. Barry's opinion and another doctor. Chief McKeon will contact Dr. Barry for a recommendation for another psychologist.

FIRE DEPARTMENT UNION: Attorney Moschos stated that he will exchange proposals tomorrow afternoon with the Fire Union. Attorney Moschos feels that the Fire Union is very aggressive. The number 1 proposal for the Town is to take the restriction off BC/BS. The second being the issue of vacation leave. According to the Fire Chief, they receive 56 hours of vacation when they should be receiving 42 hours. Most departments give 48 hours. Attorney Moschos is suggesting that they go back to 48 hours, which is still more than civilian compensation. The Fire Union has the compensation article with the reopener clause. This means that the contract cannot be settled because they can keep reopening. The next priority is expanding the management rights clause. Attorney Moschos has to make sure the Town has a long enough agenda. The Fire Union is looking for a 6%-7% increase. Attorney Moschos will be the principal spokesperson. The liasions (Ms. Towle-Fire, Mr. Blomgren-Police) would be the only Selectmen present at negotiations. Mr. Johnson made a motion to support putting all 20 items on the agenda, 2nd Ms. Towle. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Ready-Aye; Mr. Blomgren-Aye, unanimous.

POLICE DEPARTMENT UNION: Attorney Moschos stated that the Police will be a similar proposal and that he will follow the same strategy as the Fire.

FINANCE COMMITTEE: Mr. Lynch stated that the Finance Committee has requested that they be observers in the negotiations. Mr. Blomgren made a motion to deny this request, 2nd Ms. Towle. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Ready-Aye; Mr. Blomgren-Aye; unanimous. Mr. Lynch will keep strong communication with the Finance Committee and convey to them the appropriate actions taken in the negotiations. Attorney Moschos stated that if this goes into binding arbitration, the Town will be bound to recommend and support and try to get Town Meeting to accept the award. If the Finance Committee is not part of the employer status therefore they can be free on the Town Meeting floor to recommend against it. If Finance becomes part of the bargaining process they will be forced to recommend the award. The BOS should tell the Finance Committee that they will be advised but not consulted. It was suggested that the BOS and Finance Committee meet in Executive Session to explain details. Mr. Ready stated that if the contract is passed on a 3-to-2 vote, the 2 Selectmen voting against cannot speak on Town Meeting floor. Mr. Ready asked Attorney Moschos to spell that out in his opinion to Finance so that they understand this rule.

MOTION TO ADJOURN: Mr. Johnson made a motion to go out of Executive Session, 2nd Ms. Towle. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Ready-Aye; Mr. Blomgren-Aye; unanimous.

For the Board of Selectmen

Beth A. Gibbs

Beth A. Gibbs

Executive Session of the Board of Selectmen held Monday, March 7, 1988 at 10:30 p.m. Members present were: Mr. Blomgren, Mr. Johnson, Miss Towle, Mr. Ready and Mr. Emerson. Bernard Lynch, Executive Secretary and Judith Carter, Adm. Asst. were also present. The purpose of the session was to discuss strategy with regards to collective bargaining. Ex. Sess. Mar. 7, 1988

Fire Union Negotiations

Miss Towle reported that she has been sitting in on Fire Dept. union negotiations, and finds their attorney to be very arrogant. The union also has stated that they would prefer that no labor counsels be present, just the union and the BOS. After discussion, Board members agreed that they want labor counsel present, and only the BOS liaison member.

At 10:40 pm motion by Mr. Johnson , seconded by Miss Towle, to adjourn. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye.

For the Board of Selectmen, by
Judith C. Carter

Executive Session of the Board of Selectmen held Monday, March 28, 1988 at 6:00 p.m. Members present were: Mr. Blomgren, Mr. Johnson and Miss Towle. Mr. Ready was detained on business and Mr. Emerson was not present due to illness. Executive Secretary Bernard Lynch and Adm. Asst. Judith Carter were also present, as well as Labor Counsel Dee Moschos and Fire Chief Robert Hughes. Firefighters Union President William Dalton and Firemen William Jamer, Terrance Goode and James Flaherty were also present. The Union asked to have the meeting in Open Session, but the Board voted to have it in Executive Session. Motion by Mr. Johnson, seconded by Miss Towle, to hold the meeting in Executive Session for the purpose of discussing collective bargaining. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Blomgren-Aye. Ex. Session Mar. 28, 1988

Atty. Moschos noted that the meeting involving the discussion of a grievance will be handled in Executive Session, although the Union had requested Open Session. He stated that the meeting involves 3 grievances that were turned down by the Fire Chief, so the Union has appealed to the Board. The Board is meeting to listen to the Union's comments, then the Board will comment and it is up to the Board to come to a decision. The grievances all involved bereavement leave.

Fire Dept. Grievances

Firefighter Terrence Goode said that his father had died on Feb. 11, , when he was working his first day shift. He was put on vacation leave for Feb. 12, 13 and 14, and no bereavement leave was given.

Firefighter William Jamer said that his father-in-law died on Feb. 6, and he was put on vacation leave for the 7th and bereavement leave for the 8th.

Union President Dalton read the contract article on bereavement which states in para. A "In the event of death..." saying that he feels that bereavement starts when the death occurs, and feels the contract is specific on that point.

Fire Dept. Grievances cont'd

Atty, Moschos said that the Chief has denied these grievances, and he agrees that the language in para. A is not specific, and that the Board has to look into different language. There is a hearing on April 22nd relative to this same bereavement article. He added that it has been the Fire Dept.'s interpretation that leave for the wake and funeral is sufficient. Mr. Dalton said that the contract says you will get 3 days because a loved one has died, and that he feels the Stanton issue is not related to these present grievances.

Fireman Flaherty said he questions the Chief's interpretation because you can't pinpoint grief. Mr. Dalton added that they are not looking for anything that is not there - if they are not working they do not expect bereavement time.

Union Left Mtg.

At 6:20 pm Mr. Dalton and the firemen left the meeting, with Atty. Moschos stating that they will hear from the Board within 1 week, and Mr. Dalton again asked for specific language.

Atty. Moschos then told the Board that he would like to tell the union that the Town will concede on these grievances if the Union will back down on the Stanton grievance, but with the hard feelings between the Union and the Board now over negotiations, this would not be accepted. However, he told the Board that if these grievances went to arbitration the Town would lose. He suggested that the grievances be remanded back to the Chief and ask him to consider the matter further and grant on the basis that at the time of the notice of a death bereavement time begins.
The Chief said that he did not support the grievances based on Labor Counsel's advice, and that if the article says three days, he doesn't care when they take it.

Mr. Johnson moved to remand the grievances back to the Chief for further review, based on Counsel's recommendation, seconded by Miss Towle.
The Fire Chief said he wants the article in the contract squared away, or the Town to say that they get three days. Atty. Moschos recommended saying that they are allowed leave from work upon notification of a death, not to exceed three days. The Chief said he would be glad to do that if the Board agrees, and Mr. Moschos advised the Chief to spell it out - that persons who have received notice of a death while working are allowed three tours off.
The vote on Mr. Johnson's motion was unanimous.

Mr. Moschos said the Chief can tell Mr. Dalton that it has been remanded back to him and he will have a decision by the end of the week. Mr. Johnson suggested that the Chief wait until Wednesday or Thursday to tell Mr. Dalton. Mr. Blomgren said he wants to have the Chief decide as soon as possible, since negotiations have broken down, they have submitted 3 grievances to the Board, and morale is very low. Mr. Moschos recommended that they remand it back to the Chief, let him review it until Wednesday, and tell Mr. Dalton that he will hear from Atty. Moschos by Friday.

Mr. Blomgren said he feels the Board needs to maintain Atty. Moschos' strength, make sure that the Chief has respect and keep the Town's position on collective bargaining.

Executive Session of the Board of Selectmen held Monday, April 4, 1988 at 6:00 p.m. Members present were: Mr. Blomgren, Mr. Johnson and Mr. Ready. Miss Towle and Mr. Emerson were absent because of illness. Bernard Lynch, Ex. Sec., Judith Carter, Adm. Asst. and Atty. D. M. Moschos, Labor Counsel were also present. The purpose of the Session was to discuss strategy with regards to collective bargaining.

Ex. Session April 4, 1988

Atty. Moschos said that the Police Chief has denied a grievance filed by the Union relative to compensatory time, and Union officers are present to present their case to the Board.

Police Dept. Grievance

Union President Raymond McCusker said that the grievance stems from an order from Chief McKeon on March 3 that officers are no longer allowed to use or accumulate comp time. Under the Fair Labor Standards Act they have to pay officers 12 hours for every 8 hours worked. When the Union first bargained for comp time in 1979 it was on an hour for hour basis - 8 hours pay for 8 hours worked, and they feel that this is a past practice. The Union does not want to go to arbitration, and their attorney told them it could be straight time rather than time and one-half up to 170 hours. They want to go back to straight time, and be allowed to accumulate up to 100 shifts, with the stipulation that an officer couldn't have a shift off as comp time unless he can find a replacement or it goes under the minimum manning laws. The Chief's letter indicated that they are working an inordinate number of man hours, and Sgt. McCusker feels that they have never had enough manpower, and he feels that going back to 8 hours off for 8 hours worked doesn't cost the Town, and gives the men more time with their families and cut down on the use of sick time. Officer Richard Adams stated that they had bargained for this in 1979.

Atty. Moschos stated that the Chief has made provisions at this time, under Art. 14 in the contract, that at the Chief's discretion, depending on operating needs he may grant comp time. The federal law has 2 provisions - that comp time be paid at the rate of 1½ times the hours worked, and that the maximum number of hours that may be accumulated is 480. The problem is that they would need 2 separate articles in the contract - one to cover the federal law, and one the agreement between the Town and the Union. He suggested that the Board defer this grievance back to the parties to be discussed during negotiations, and asked the Union to allow a waiver of the time for the response by the Town to the Union. Deputy Chief Fitts commented that many officers are now going over 170 hours, and they won't keep track of their own hours. Atty. Moschos said the ruling is not clear, and he will try to get an answer within a week. Chairman Blomgren said he feels that further discussion next Monday would be beneficial. Atty. Moschos said that the Board should reach an agreement by April 14, and Mr. Blomgren said that they are meeting April 11 and April 14. Atty. Moschos said he should have an answer from the Dept. of Labor by next week.

Motion by Mr. Ready, seconded by Mr. Johnson, that the Board ask the Union for an extension for response to 45 days, and that Atty. Moschos be asked to come up with an Article of Understanding and bring his findings back to the Board on April 11 and the Board will give its opinion then. Roll Call vote was as follows: Mr. Johnson-Aye Mr. Ready- Aye; Mr. Blomgren-Aye.

At 6:45 p.m. motion by Mr. Johnson, seconded by Mr. Ready, to adjourn. Roll Call vote was as follows: Mr. Johnson-Aye; Mr. Ready-Aye; Mr. Blomgren-Aye.

For the Board of Selectmen, by

Judith E. Carter

Ex. Session April 4, 1988

Mtg. with Fire Chief re Coll. Bar

Executive Session of the Board of Selectmen held April 4, 1988 at 8:30 p.m. Members present were: Mr. Blomgren, Mr. Johnson, Mr. Ready and Mr. Emerson. Miss Towle was absent due to illness. Bernard Lynch, Ex. Sec., Judith Carter, Adm. Asst. and Fire Chief Robert Hughes were also present. The purpose of the Session was to discuss strategy re collective bargaining.

Chief Hughes said he wanted to touch base with the Board re the collective bargaining that is taking place with the Firefighters Union. He said they have had 4 sessions, nothing has been accomplished and he feels there are legal ramifications between the two lawyers, that they are not getting along, and appear to be at an impasse. Atty. Moschos has said No to all the union proposals, and neither side has actually looked at the others' proposals. He is losing the good morale that has been built up in the Fire Dept. and thinks that Atty. Moschos needs some input from the Board and to be asked why they are battling - he feels it is not feasible financially to go to arbitration. Mr. Johnson said that these two attorneys have been battling for 20 years, which hurts both the Town and the Union. The Chief said that Atty. Moschos had said that if they asked for 7% he would take it back to the Board, but he hasn't, and would not talk about it to the Union. Mr. Ready commented that the Board wanted professionals to do the bargaining, and the Union did not. Mr. Blomgren suggested that Board members and the Ex. Sec. meet with Atty. Moschos at 3:00 pm next Monday and get an update from him before negotiations begin at 3:30 pm. Chief Huges said that Atty. Moschos had said the Union is looking for 38%, but the items have never been discussed. He said he understands the strategy, but no progress has been made.

Motion by Mr. Johnson, seconded by Mr. Ready, that Chairman Blomgren - Mr. Lynch and other members, if they want to, talk with Atty. Moschos on Monday about the impasse. Roll Call vote was as follows: Mr. Johnson-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye.

Mr. Lynch stated that there are also informal negotiations going on with Bill Dalton, etc.

Chief Hughes said he has been going over his budget and hopes to finish out the year without needing any transfers. He has talked with Mr. Lynch about Town-owned storage tanks at the Highway Dept. and schools, and Mr. Emerson added that there is new legislation pending that will cost the Town a lot of money.

The Chief reported that Engine 2 has been refurbished for $60,000 and is like new. He said that the men are now checking hydrants, that many won't open properly,, that the Town pays for the maintenance of hydrants to the Water Dept. but they are not doing the work. He added that with their present manpower they have many areas to monitor, and that they are way behind on their documentation.

Mr. Emerson asked what station he would close if the Prop. 2½ override doesn't pass, and the Chief said probably the West Station, since that is the most accessible to other engines responding. He noted that the response time to the Feeney Candelighting fire was very good.

At 9:10 pm motion by Mr. Johnson, seconded by Mr. Ready, to adjourn. Roll Call vote was as follows: Mr. Johnson-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye.

For the Board of Selectmen, by

Judith E Carter

Executive Session of the Board of Selectmen held Thursday, April 14, 1988 at 6:30 p.m. Members present were: Mr. Blomgren, Mr. Johnson, Miss Towle, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary, Judith Carter, Adm. Asst., Town Counsels James Harrington and Charles Perkins and Executive Director Nick Vacca and members of the Executive Council of the Boy Scouts of America.

Ex. Sess. April 14, 1988

Motion by Mr. Johseon, seconded by Miss Towle, to go into Executive Session to discuss the purchase, lease, value or exchange of real property. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

Boy Scout Council re East School

Town Counsel Harrington explained the terms of the agreement when the Town sold the East School to the Boy Scouts, noting that it was voted at Town Meeting to sell the building to the Boy Scouts for $28,000, including reversion rights, and with a clause that in the event that the Scouts sold the building they would first pay the principle, then be repaid for any improvements and any profit would be split between the Scouts and the Town. There was also an agreement that the Town could use the building as a public meeting place, and also use the fields. Mr. Ready asked if they sell the building can the Town still use the ball fields, and Mr. Harrington said that the Town had a lease agreement for the use of the fields. Mr. Ready asked if the East School and the ball fields are all on the same parcel of land, and Mr. Harrington said No, that the East School was cut out of the parcel, with an agreement between the Town and the Scouts that the Scouts could use the black top area for parking. Mr. Ready asked if that agreement would go with the title to the building and Mr. Harrington said No, and also that we would lose any restrictions if the building were sold to a private party. Atty. Martin Ames from the Scout Council said that if the Scouts should abandon the building that the Town could take it back.

William Jenkins, a Council Commissioner, said that their recommendation to the Board is that they sell the building, or raze the building , since they can't raise funds to renovate. Their Executive Board is meeting in May and will recommend either to raze the building or sell it. This location is not their first choice for a new bldg. but nothing will be decided until the May meeting. Mr. Harrington said they can't raze the building without the Board's permission. Mr. Jenkins said they feel the property is now worth app. $48,000, with their improvements.

Atty. Ames asked Atty. Harrington about the deed, which says sell - if they raze the building and replace it is this allowed? Could they replace property with property? Mr. Harrington said Yes, if it is to be used by the Boy Scouts. Mr. Ames said that they have problems - the United Fund wouldn't let them raise money for renovations to the building, but they could probably get money for a new building.

Mr. Johnson stated that the Town's concern is that don't raze the building and not replace it immediately - the Boy Scouts should decide if this is the location they want, that the Board would prefer that they sell it because he feels their hearts are not with that location. Mr. Jenkins said that they have a commitment to that location, and Mr. Vacca said it would be a long term commitment if a new building were put up.

Boy Scouts - East School cont'd

Mr. Blomgren commented that if it were sold for $80,000 - $100,000 the Scouts would get $45 - 55,000, with Mr. Emerson noting that they would probably get their money back plus a little more. Mr. Blomgren moved that this issue be tabled until after the Scouts' Executive meeting in May, seconded by Mr. Johnson. Mr. Harrington pointed out that this is a valid existing building lot by variance and it could be sold for building a single family home. Mr. Johnson said that there appears to be a precedent set in Town, that when an old school is sold, the most acceptable use is for a single family home. The vote on Mr. Blomgren's motion was: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye. Mr. Ready said that the Ex. Sec. will set a date to meet again after the Council has their May meeting. The Scout council left at 7:10 p.m.

Mr. Johnson commented that the Town is upset because the building was not renovated and if it is sold there could be more problems. Mr. Ready said he wants to convey to the Boy Scouts that if they raze the building they should put up a building that looks like a single family home. Mr. Blomgren said he thinks they could do 3 things: 1. renovate consistent with the design they have shown the Board; 2. raze and put up a building in keeping with the neighborhood, for their own use; sell the building, raze it and put up a single family house. Mr. Harrington commented that a church could use itbecause there is no zoning involved, but they would have to get an occupancy permit to use it as a church, and added that we have no control over who they sell it to.

Motion by Mr. Johnson, seconded by Miss Towle, to ask Mr. Harrington to send a letter to the Scouts saying that the Board would prefer them to: 1. raze the building and sell the land for a single family home; 2. raze and re-build consistent with the neighborhood for use by the Scouts; 3. renovate the building consistent with the plans submitted January 20, 1981; 4. sell the property with the stipulation that they sell it with the use of the building as a single family house.

At 7:25 pm motion by Mr. Johnson, seconded by Miss Towle, to go out of Ex. Session. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

At 7:26 pm motion by Mr. Emerson seconded by Miss Towle, to go back into Ex. Session to discuss collective bargaining. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.
Mr. Emerson noted that Bill Dalton came in last week and asked that the Board negotiate directly with the Firefighters union. Miss Towle said that he called her at 7:20 am today. Mr. Lynch said he offered them 0 - 2 - 2. Mr. Ready said he feels that the Board voted as a Board to use professional negotiators and should continue to do so.

At 7:30 pm motion by Mr. Johnson, seconded by Miss Towle, to adjourn. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, May 9, 1988 at 6:00 p.m. in Room 101, McCarthy Middle School. Members present were: Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Miss Towle joined the meeting at 6:30 p.m. Bernard Lynch, Executive Secretary, and Judith Carter, Adm. Asst. were also present, as were Police Chief Raymond McKeon, Fire Chief Robert Hughes and Labor Relations Advisor Dee Moschos.

Executive Session May 9, 1988

Motion by Mr. Johnson, seconded by Mr. Emerson, to go into Executive Session at 6:15 pm to discuss strategy re collective bargaining. Roll Call vote was as follows: Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye and Mr. Ready-Aye.

Collective Bargaining - Fire and Police Negotiations

Atty. Moschos explained that with the fire negotiations we are currently in mediation, which is tentatively scheduled for May 16, but he has asked the mediator to move to the Joint Labor Management Committee, to get it put on the "fast track". Arbitration can't hurt with the Town having a $1.3 million defecit. The Committee will force communication between the Town and the Union. We can't change the health insurance, and they could have the contract re-opened. Regarding the Police Dept., if minimum manning is not flexible, they will not be able to have a raise.
Chief Hughes said that there are 60 in the bargaining unit for fire, if that were to be cut by 1/4, that would be 15 men, and we can't lay off without bargaining over the impact of it.
Atty. Moschos noted that fire negotiations are complicated - they could say drop all your issues and give us 5 - 6 - 7%.
Mr. Johnson said he is hearing around Town that the police may not be as cooperative as they have been, after hearing about the problems with the Fire Dept. Atty. Moschos said that their counsel, Atty. Wangner, has told them to get tough, and is trying to get the Union President Bill Dalton stirred up. Mr. Johnson said he feels we are paying middle range to the unions, and Atty. Moschos said he has seen W-2 forms - police are getting up to $80K, and firemen up to $40 - $50K. Chief Hughes said this is because the department is undermanned and the men are working overtime. Atty. Moschos noted that the Town cannot afford to pay 56 hour vacation weeks when the men work only 42 hours. He added that vacation, re-opener clause and Blue Cross/Blue Shield are things that the Board has to deal with - that the Union is overdoing it with holiday pay, and that minimum manning has to be clarified. The Board could ask if they would take 2½% , and Mr. Lynch said he had informally asked if they would take 4½% and they said No. Atty. Moschos said they want 5 or 6%, and the Board must have language to protect the Town, and also not to set a precedent for the Police. He said that if anyone wanted, they could informally off the record offer 2½% to Mr. Dalton, with no re-opener clause.

Mr. Johnson asked the Chief what has happened to the department's morale, and he said it has been low since this started. He added that minimum manning has never been right - it has to be a man for man replacement.

Mr. Blomgren asked Atty. Moschos if he knew that the Board had agreed to meet with the Fire Union officials in Executive Session. Mr. Moschos said he does not think they should do that, that the Board would have to be very careful, and he suggested that the Ex. Sec. meet informally with him and offer 4½%. Mr. Ready told Atty. Moschos that the Board agreed to meet with them not to negotiate but to discuss the process.

Atty. Moschos said that the Union has had Atty. Wangner involved from the beginning, that the Board could meet with them to discuss the process only, that it would require strong discipline on the part of the Board to avoid negotiations. He added that each negotiation is a new beginning, that they had 49 items and the Town 29, and that the Town can't survive giving a 5% raise and getting nothing in return.

Motion by Mr. Blomgren, seconded by Miss Towle ,to reconsider our vote at the last meeting and tell the Union we want to stay with the process of collective bargaining. Mr. Johnson said he thinks the Board needs to extend an olive branch and shouldn't undo in Executive Session what was voted in public. Mr. Blomgren said he would amend his motion to ask that the Chairman and the Liaison for bargaining with the Fire Union meet with the union leaders to listen to the issues. Mr. Emerson and Mr. Johnson said they could live with that if it were voted in Open Session. Atty. Moschos suggested that it be done in the form of a letter to Mr. Dalton, stating that this was voted on May 9. Vote on Mr. Blomgren's amended motion was unanimously in favor. Atty. Moschos is to draft a letter.

Mr. Blomgren asked why layoffs have to be negotiated and Atty. Moschos said there is nothing in the contract re layoffs, and it could result in a law suit. We should do this in impact bargaining and put in a definitive time frame so Atty. Wangner won't start litigation.

Chief Hughes asked why the Fire Dept. is being cut by $180,000, since they are under manned to start with, and Mr. Lynch said that as the result of a department head meeting all departments were asked where they could cut their budgets, and Chief Hughes said through personnel. The Chief said this is a step backwards.

Mr. Johnson commented that more and more Towns are asking for overrides and getting them, we need more educating the public, and won't win without making cuts.

At 7:05 pm motion by Mr. Johnson, seconded by Mr. Emerson, to adjourn open session. Roll Call vote was as follows: Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

Judith E. Carter

Ex. Sess. May 16,1988

Collective Bargaining

Executive Session of the Board of Selectmen held Monday, May 16, 1988 at McCarthy Middle School. Members present were: Mr. Ready, Mr. Johnson, Miss Towle, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Ex. Sec. and Judith Carter, Adm. Asst. were also present.

At 6:50 pm motion by Mr. Johnson, seconded by Miss Towle, to go into Executive Session to discuss strategy re collective bargaining. Roll call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

Mr. Lynch reported that Civil Service has reviewed the suspension of Roland Linstad and denied his appeal and upheld the Board's suspension action. This would weaken his case if he decided to sue the Town.

He reported that he has received a draft of a letter to the Fire Union from Atty. Moschos, stating that Mr. Ready and Miss Towle will meet with their reps. to discuss their concerns. It was agreed to send the letter stating that they would meet on May 23rd at 7:00 p.m.

The appointment of Robert Yetman to the Mass. Bituminous Advisory Committee was discussed. It was brought to the Board's attention that he had brought suit against the Mass. Bituminous Products and the Town Mr. Emerson, liaison to the Committee, said he feels nervous about the whole Committee and the manner in which it is conducting itself - it appears to be turning into an inquisition. He added that Mr. Yetman appears to be establishing a case for the future - Mr. Emerson thinks it is getting out of hand, but can't pinpoint the problem. The Committee is meeting every week because they feel it is necessary. Mr. Johnson stated that Eleanor Parkhurst, Newsweekly editor, called him stating that she had received an anonymous phone call saying that Mass. Bituminous is modeled after California plants, which have since been banned from operating. Mr. Johnson told her to track this down if she wants to. Mr. Emerson asked if another Board member would attend a meeting of the Advisory Committee and observe - for one thing, they don't want to elect a chairman.
Motion by Mr. Johnson, seconded by Miss Towle, to graciously ask Mr. Yetman to resign, that the Board feels he can't be objective because of the lawsuit, which was brought to their attention by Mass. Bituminous attorney, and that he is welcome to give input to the Committee at any time.
Motion by Mr. Johnson, seconded by Miss Towle, to send a letter with the charter to the Committee. Roll Call vote on both motions was: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

Mr. Lynch told the Board that Police Officer Peter McGeowen, who lost control of a cruiser in the station parking lot due to some type of a seizure, is being sent to Mass. General for further tests, and that he is presently out on sick leave with a hurt wrist. Mr. Johnson commented that Officer McGowen is one of the straightest officers in the department. The Board agreed that until the tests come up with something substantive, the Board does not want him driving a cruiser.

At 7:05 pm motion by Mr. Johnson, seconded by Miss Towle, to adjourn to open session. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, June 20, 1988 at 8:40 p.m. Members present were: Mr. Ready, Mr. Johnson, Miss Towle, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary , Judith Carter, Adm. Asst., Raymond McCusker, Police Union President and Officer Richard Adams were also present. The purpose of the meeting was to discuss a denial of a grievance by the Police Chief filed by Officer Adams. Ex. Session June 20,1988
Officer Adams told the Board that on Sat., May 14 he worked a 12 hour detail for Middlesex Paving. He said that Article 22 of the contract states that after 8 hours, 1½ times the detail rate shall be paid The detail rate for Saturdays, Sundays and holidays is 1½ times the regular detail rate, and he feels that after 8 hours he should get 1½ times the Sat. detail rate. Mr. Ready diagrammed the figures on the blackboard. Officer Adams said the Chief had denied his grievance, saying that you can't be paid 1½ plus 1½. Sgt. Mc Cusker asked what does the detail rate mean in the contract.

Adams Grievance

Officer Adams was part of the last bargaining team, and said that they negotiated 2 detail rates, and that the issue here is not the money but the principle.
Mr. Blomgren suggested that we forward the minutes of this session and the grievance to Labor Counsel.
Motion by Mr. Johnson, seconded by Miss Towle, to take the matter under advisement. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready - Aye
Sgt. McCusker told the Board unoffically that the Union had turned down the Town's proposal today. He was told that Mr. Johnson is the new Police Dept. liaison, and he will pay special attention to detail work.
Sgt. McCusker and Officer Adams left the meeting at 8:55 p.m.

Leave of Absence Approved

Mr. Lynch read a letter from Chief McKeon re a 6 month leave of absence for Officer Frank Roark, stating that his absence will not have to be filled by minimum manning. Motion by Mr. Johnson, seconded by Miss Towle, to approve. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

Old Town Hall Lease

Mr. Emerson then brought up the subject of the space at the Old Town Hall, noting that Cookie Shugrue does not have the same lease as the offices because she is in the basement, and has had exclusive use of the lower level. She is now requesting use of the facility from September through May, and he is recommending that if this use is permitted she must understand that others may also use this level. He stated that she has paid the following rent to the Town: June, 1986 - $860. Nov., 1986 - $500.; January, 1987 - $500.; November, 1987 - $500., and nothing in 1988. Mr. Emerson said he feels she owes at least $1,000 and he will tell her there will be no use of the facility in September until she pays.
Motion by Mr. Blomgren, seconded by Mr. Emerson, to have a contract drawn up with her. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blongren-Aye and Mr. Ready - Aye.

Police Contract

Mr. Lynch commented on the Police contract being turned down, saying that he feels we are close but the Union didn't like the language.

Grievance Denied

Motion by Mr, Emerson, seconded by Miss Towle, to deny Officer Adams' grievance. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr.Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

Adjournment

At 9:10 pm motion by Mr. Johnson, seconded by Miss Towle, to adjourn the meeting. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

Judith E Carter

Executive Session of the Board of Selectmen held Monday, October 24, 1988 at 6:30 p.m. Purpose of the meeting was to discuss the lease, exchange or sale of real property. Members present were: Mr. Johnson, Mr. Emerson and Mr. Blomgren. Judith Carter, Adm. Asst. was also present. Mr. Ready and Miss Towle were not present due to a conflict of interest. Mr. Johnson said he would like to see us assign the lease to Children's Discovery Center, since they already have a new location in mind, and only extend until July 1st. Mr. Emerson stated that he feels if we do this the Board should advertise for new proposals soon, and he feels it is more important to get them out of the Center School than to increase rent, at this point. Mr. Johnson said we should allow the transfer of the lease with something in return - that they vacate by July 1st. Mr. Blomgren said he had a Dun and Bradstreet report on Children's Discovery, that they have a negative net worth, and are not a good investment. Mr. Johnson said he is not too concerned about that for only 9 months, he is more concerned about the deplorable condition of the school. Mr. Emerson said he does not want to promise the building to the Lighthouse School, and Mr. Johnson commented that if we lease the building and just 2 acres of land we will still have 5 acres to do what we want with. Mr. Blomgren suggested that we have the Ex. Sec. draw up a preliminary Request for Proposals. Mr. Johnson suggested that we get a clause stating that we can use the parking lot after 5:00 pm, and make the lease as advantageous to the Town as possible.

Ex. Sess. Oct. 24,1988 re lease of Center School

It was noted that the school contains app. 48,000 sq. ft. and we are now leasing it for app. .33¢ per sq. ft., and could easily get $3 - $4 per foot. The Lighthouse School is now paying $100,000 per year. Mr. Emerson said we should take the best proposal and negotiate. Mr. Johnson stated that we would want only 1 tenant and 1 use.

Town Counsel James Harrington and Atty. Thomas Horton then joined the meeting. Mr. Johnson read the opinion from Mr. Harrington, stating that the Board of Selectmen are the only ones to sign the lease, not jointly with the School Committee.

At 6:55 p.m. motion by Mr. Emerson, seconded by Mr. Johnson, to adjourn to Open Session. Roll Call vote was as follows: Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

For the Board of Selectmen, by

Judith E. Carter

Mr. Ready and Miss Towle were not present due to a conflict of interest.

Executive Session of the Board of Selectmen held Monday, October 24, 1988 at 7:15 p.m. Board members present were: Mr. Johnson, Mr. Emerson and Mr. Blomgren. School Committee members present were: Mr. Olsson, Mr. Poulten, Mrs. Ward and Mrs. Marcks, as well as Supt. Dr. William Mullin and Asst. Supt. Dorothy Woodhams. Judith Carter, Adm. Asst., was also present. The purpose of the meeting was to discuss the lease, exchange or purchase of real property. Town Counsel James Harrington and Atty. Thomas Horton were also present. Mr. Johnson said that at the Board's last meeting that Healthnet Inc., who has been leasing the Center School for a day care center, told the Board that they are in financial difficulty and that Children's Discovery Center wants to take over their lease through October 31, 1989.

Ex. Sess. Oct. 24,1988 w/School Committee re Center School

Mr. Olsson said he is opposed to an extension of the current lease because the building has deteriorated, that he would discuss an extension if the building was brought back to the condition it was in when we first rented it to Wang Day Care.

Ms. Woodhams commented that any asbestos in that school was the responsibility of Wang Day Care to have removed.

The Board told the School Committee that they want to extend the lease only to June 30, 1989, and advertise for Requests for Proposals for 48,000 sq. ft. and that a prospective new tenant should know that the Center School will be available after that date.
Mrs. Ward said it seems that the current lease is not being adhered to, and her only concern with assigning the lease is that each time we do we get further away from the terms of the original lease, that they are letting the building go downhill.
Mr. Johnson said that a new tenant, with a shortened lease, should have to adhere to the old lease.
Mr. Poulten commented that Wang's reponsibilities did not extend to a sub-leasor, that we should meet with the person who signed the lease for Wang.
Mrs. Marcks said she resents Healthnet for making the Board and the School Committee look like "bad guys" - they should have told us 6 weeks ago when we inspected the building that they were having financial problems.
Town Counsel Harrington said that we have had to chase them for the rent for the last 3 months.
Mr. Johnson told the group that Mr. Blomgren had a Dun and Bradstreet report on Children's Discovery, they are not the best lessor, but will last for 8 or 9 months. Mrs. Marcks commented that if the building is not fixed up no one will want it.
Mr. Poulten said he had toured the building when it was turned over to Wang, and it was found that the roof had been constructed improperly. As a condition of the lease they would immediately repair the roof. They must give the building back in the same condition it was 7 years ago. Mr. Emerson asked if we agree that Want is responsible, and Mr. Johnson asked if the Children's Discovery doesn't want to take the building as is, shall we take it back now? The School Committee said no, not as it is.
Mr. Johnson asked if we want to get into a long, costly legal battle with Wang, or take back the building and lease it to be fixed up for $3 - $4/sq. ft.
Mr. Olsson said that we set up a sub-committee - Mr. Emerson and Bernie Lynch, Barbara Ward and Sam Poulten - we should let them work it out.
Mr. Harrington pointed that Wang Labs was not the lessor, but Wang Child Care Center, Inc., and we don't know their assets or if they are in existence. He added that the lease never should have been signed jointly, and wants to work with the sub committee.

At 7:45 p.m. motion by Mr. Emerson, seconded by Mr. Blomgren, to adjourn this Executive Session until a later time. Roll Call vote was as follows: Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye; Mr. Olsson-Aye; Mrs. Ward-Aye; Mr. Poulten-Aye, and Mrs. Marcks-Aye.

For the Board of Selectmen, by
Judith C. Carter

Executive Session of the Board of Selectmen held Monday, Nov. 7, 1988 at 6:40 p.m. for the purpose of discussing the lease/sale of real property. Board members present were: Mr. Johnson, Mr. Emerson and Mr. Blomgren. Carl Olsson, Barbara Ward and Carol Merriam were present from the School Committee, as was Thomas Horton, Asst. Town Counsel, Bernard Lynch, Executive Secretary and Judith Carter, Adm. Asst. Miss Towle and Mr. Ready were absent due to conflict of interest.

Ex. Session w/School Committee 11/7/88 re Center School

Mr. Emerson reported for the sub-committee, asking those present to read the report prepared by Atty. Horton. Highlights of the report were: we would require a $25,000 performance bond to assure that all the terms will be met and deficiencies rectified; on July 1, 1989 the rent will increase to $250 per day, on August 1, 1989 to $500 per day, and on September 1 to $1,000 per day, which should be an incentive for the Center School to be vacated as early as possible. Item #4 calls for the bond to be released contingent on the building being vacated, contingent upon all repairs and maintenance being done to the satisfaction of the Town.

Mr. Emerson said he feels this bond is routine, and should have been done years ago, and should be done with any new tenant. Mrs. Ward said that Mr. Poulten has informed her that he wants $25,000 cash payment up front, rather than a bond. Mr. Emerson said he feels this is unreasonable and unrealistic, and Mr. Johnson added that they are negotiating in good faith, and a bond should be sufficient. Mr. Blomgren asked if we are assigning the lease from Healthnet to Children's Discovery Center, or from Wang to Healthnet, and Mrs. Ward said she would prefer it from Wang Child Care. Mr. Johnson suggested putting both Wang and Healthnet on as their interests may appear. Mr. Blomgren asked if Wang has come back with any figures, and Mr. Lynch told him No, but the Building Inspector has estimated between $10 and $15,000, not including the boiler. Mr. Johnson commented that a new tenant will probably do major renovations. He and Mr. Emerson stated that neither the Library Trustees nor the Senior Center Building Committee are interested.

Mr. Olsson said he would defer the agreement to the sub-committee if both Boards are comfortable with it, and Mr. Emerson moved to present it as amended to Healthnet, starting in Executive Session and then going to Open Session, if they agree. Atty. Horton said that we can discuss the amendments with them tonight, and then get out a clean copy tomorrow. Mr. Johnson asked if everyone is comfortable with the changes, and all agreed that they were. Mr. Olsson said he thinks they will forfeit the bond, since there are major repairs to be made, and he wants documentation that all asbestos is out of the building. Mr. Blomgren said that he has this documentation, and has turned it over to Atty. Horton. Mr. Horton said he wants to see the $25,000 bond just include repairs on the walk through list, and also to guarantee payment of the rent.

At 7:10 p.m. motion by Mr. Emerson, seconded by Mr. Blomgren, to adjourn to Open Session. Roll Call vote was as follows: Mr. Emerson; Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye; Mrs. Ward-Aye; Mrs. Merriam-Aye; Mr. Olsson-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of BOS 11/7/88

Executive Session of the Board of Selectmen held Monday, November 7, 1988 at 9:35 p.m. Members present were: Mr. Johnson, Mr. Emerson, and Mr. Blomgren. Attorney Tom Horton, Clark Adams from Children's Discovery Center and Stephen Conlin from Healthnet were also present, as were Bernard Lynch, Executive Secretary and Judith Carter, Adm. Asst. Miss Towle and Mr. Ready were not present due to a conflict of interest, as they are employed by Wang.

In reference to the agreement drafted by Mr. Horton Mr. Johnson said that item #2 - increase in rent after June 31 is not meant to penalize Children's Discovery, that it is still lower than the market value. It was agreed that the $25,000 bond should be discussed with Wang - the sub committee felt this was a compromise between $10,000 and $45,000. He asked Mr. Conlin and Mr. Adams to pass on to Wang what the BOS and School Committee had proposed.

Mr. Emerson asked who is now paying the rent and was told that Healthnet is. He reminded them that the November rent has not been paid. Mr. Johnson told them that this is the last and best offer - that both sides want to move ahead.

Mr. Conlin said that the present tenant (Healthnet) wants to assign the current lease at the current rent, and the Town's not extending the existing lease until October 31, 1989 is not part of the original lease. Wang Day Care and Healthnet are one and the same corporation, and were not notified that they were in breach of the contract. Atty. Horton replied that health and safety violations indicate that they are. Mr. Conlin then said that this is definitely an assignment of the lease and needs the approval of the BOS. Mr. Johnson commented that Dun and Bradstreet reports leave some doubt as to Children's Discovery Center's financial responsibility.

Mr. Adams stated that on item #2 - vacancy date - August 31 would make them comfortable, and they could even agree to July 31, but based on their talks with their contractor, the per diem approach starts a month too soon to be practical.
Mr. Johnson said that in the spirit of cooperation, we could give them July 31st as a deadline, and start the $250 per diem rate on August 1.

Mr. Emerson said we need the $25,000 bond as spelled out in item #4. Mr. Conlin said that Wang says they have paid $300,000 over the past seven years.

Motion by Mr. Emerson, seconded by Mr. Blomgren, to refer to Counsel, see what they can work out and then come back to full boards, both BOS and School Committee. Roll Call vote was as follows: Mr.Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

Mr. Lynch then reported on various collective bargaining matters. On Fire Dept. negotiations, it has been referred to the Dept. of Revenue to examine the Town's books.

Free Cash - we will be short between $600 - $800,000 next year.

A Highway Dept. employee (Mickey Dearborn) was directing traffic and said he was punched by the driver of a passing vehicle. The driver says that Dearborn punched him. Mr. Dearborn has filed for Workers Comp. and we now have criminal complaints against both him and the driver.

Police Dept. - Officer Auger has been out on IOD leave for psychological reasons. He is now off IOD and has filed suit against the Town.

Mr. Lynch discussed the Veterans' Office clerical position. He would like to move personnel files, insurance, etc. to the Veterans' Office to free up Marian Currier in the BOS office for centralized purchasing. Mary McAuliffe, Veterans' Agent, is in favor of this, and the Town Hall Union supports it. He brought the Board up to date on the status of the Veterans' Agent. Motion by Mr. Johnson, seconded by Mr. Emerson, to approve these changes. Roll Call vote was as follows: Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

Ex. Session 11/7/88 - Collective Bargaining

He reported that Highway and Clerical negotiations will be opening up soon, and that Mr. Blomgren is the Highway liaison, and Mr. Johnson the Clerical.

At 10:25 p.m. motion by Mr. Emerson, seconded by Mr. Blomgren, to adjourn. Roll Call vote was as follows: Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, Nov. 28, 1988 at 7:40 p.m. Members present were: Mr. Johnson, Mr. Emerson and Mr. Blomgren. Miss Towle and Mr Ready were not present due to a possible conflict of interest. Bernard Lynch, Executive Secretary and Judith Carter, Adm. Asst. were also present, as was Attorney Tom Horton. Present from the School Committee were Carl Olsson, Barbara Ward, Sam Poulten and Wendy Marcks. The purpose of the session was to discuss the lease/sale/exchange of real property, the Center School.

Ex. Session Nov. 28,'88 Lease of Real Property Center School

Atty. Horton presented a draft lease, which he said needs refinement, but he has discussed with Steve Conlin.
Mr. Emerson said that the sub committee met last Friday, and went over the most recent correspondence from Wang. The Board and the sub committee are in favor of the draft agreement.

Mr. Blomgren questioned the letter from David Brandeis from Wang, saying that there is no provision for insurance. Mr. Horton said that is a term in the lease, and would go with the assignment of the lease, since they assume all the conditions of the lease. He will add to #3 of the agreement - "including insurance". Mr. Blomgren then referenced a letter from the Bldg. Insp.dated Oct. 28 indicating that there should be a structural test of the back stairwell, and asked if we should insist on this to protect the Town. Mr. Horton said that Wang says the stairwell was that way when they took over the building. Mr. Emerson said that the lease has only 9 months to go, and Mr. Poulten said that they should put the testing in the assignment of the lease - that Healthnet should have to test. Mr. Lynch said that they have adequate exits, and let's close off the stairwell. All agreed to do this.
Mr. Blomgren then asked about the stuctural test for the roof, and the School Committee said they can't afford to pay an engineer for a structural test. Mr. Poulten suggested using the first few months rent from the new tenant to make structural repairs.
Atty. Horton said that at some point we have to let Wang off the hook, and Mr. Emerson commented that Mr. Poulten is asking for a commitment for something that won't take place for 9 months - 1 year. Mr. Johnson said he agrees with Mr. Poulten in principle.

Center School cont'd

Mrs. Ward said he means that resources accrued from resources (the Center School) should be used to repair and maintain the building. Mr. Olsson asked to add "all broken windows to be replaced" and in #10 to clean and make functional. Mr. Poulten wanted to take out the word "fixtures" after plumbing. Mrs. Marcks asked that #11 be changed to state "heating system to be in good working order" and not specify which boiler. Mr. Blomgren went back to his list and said he is still concerned about stuctural defects. Mr. Lynch said if a structural engineer costs app. $2,000 he will go to FinCom and ask for it. Mr. Olsson said he would prefer general statements to specifics, and Mr. Johnson said he does not want to amend anything. Mr. Horton said they should go public with Wang's letter.

At 7:25 p.m. motion by Mr. Emerson, seconded by Mr. Blomgren, to go out of Executive Session. Roll Call vote was as follows: Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

For the Board of Selectmen, by
Judith E. Carter

Ex. Session Nov. 28,1988

Pending Litigation

Executive Session of the Board of Selectmen held Monday, November 28, 1988 at 10:05 p.m. to discuss pending litigation. Members present were: Mr. Ready, Mr. Johnson, Miss Towle, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Ex. Sec. and Judith Carter, Adm. Asst. were also present.

Mr. Lynch updated the Board on 2 pending court cases involving Police Officers. All members have received summons in the case of Edgar Auger. The case has been sent to Labor Counsel Moschos and Town Counsel Harrington. The Board will push for a disability claim.

In the case of Officer Roland Linstad, Civil Service ruled against the Town, but the Appeals Commission overturned the ruling and supported the Town. He has now filed suit against the Town claiming negligence, and there is a possible liability of $100,000. Both counsels are working on this case, also.

At 10:10 p.m. motion by Mr. Johnson, seconded by Miss Towle, to adjourn. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by
Judith E. Carter

Executive Session of the Board of Selectmen held Monday, Dec. 12, 1988 at 6:30 p.m. to discuss collective bargaining. Members present were: Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Ex. Sec. and Judith Carter, Adm. Asst. were also present, as were Labor Attorney D. M. Moschos, Police Chief McKeon and members of the Police Union.

Ex. Session
Dec. 12,1988
Collective
Bargaining

Atty. Moschos said a grievance had been filed by the Union with the Chief, saying that the contract states that if an officer is dispatching, he should be paid at 1½ times his regular rate, and the Chief denied the grievance.

Police
Grievance

Union Vice President John McGeown, Jr. said that Art. 18 under the new contract which calls for replacing 1 officer per year with a civilian dispatcher states that if an officer has to dispatch that shift he should be paid at 1½ times his regular rate. He feels that officers working the 4 pm - midnight shift since Sept. 1988 should be paid at the overtime rate.
Union President Raymond McCusker, who was on the negotiating team, said that the reason the dispatch article was negotiated was to save the Town money, that the position is normally filled by a police officer at his regular rate, but when a shift has been filled by a civilian dispatcher and an officer has to replace the civiliam then the officer would be paid at 1½ times. He said he really can't remember discussing the transition period. He said that the union gave up 3 positions to civilians, and the Town said they would find civilians to fill the position. The position is currently being filled by a police officer at his regular rate.
Mr. Ready asked what is the question now - that there are no civilian dispatchers yet, so the Union hasn't lost anything. Sgt. McCusker asked what happens if we don't have civilian dispatchers in 1990 and 1991 - we are supposed to lose 1 each fiscal year - '89 '90 and '91, and according to the contract, an officer filling in as dispatcher should receive 1½ times his pay.
Mr. Ready asked if this is an overtime position, shouldn't it be on a rotating overtime list, and that the Chief has the leeway to assign it as an administrative position. Mr. Emerson asked if this is a more desirable position than being on the street, and the Union said no, that a lot of officers don't like the job.

Atty. Moschos spoke for the Town, stating that this is the result of negotiated wage increases - that the Town offered civilian dispatchers in a 3 stage process - 1) night; 2) evening; 3) day. As Sgt. McCusker said, officers are now working the evening shift on a regular basis. The contract says that if a civilian is out, then an officer filling that shift would be paid 1½ rate. The Town promised to fill one shift with civilians by June 30, 1989 - the evening shift and then a police officer working as dispatcher would get 1½ times his rate. This clause is not affected now because no civilians are working yet. If it is not implemented by June 30, then the Union would have a legitimate grievance. The Chief said that we are trying to get civilians as soon as possible, and Mr. Lynch said the matter has been referred to the Personnel Board.
Motion by Mr. Johnson, seconded by Mr. Emerson, to deny the grievance and authorize Counsel to prepare a response to the Union. Roll Call vote was as follows: Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

Mr. Blomgren said he would like a time frame from the Chief, and Chief McKeon said that we need 1 1/2 civilians now, and are waiting for the Personnel Board. Mr. Lynch said that by January 15 the position will be advertised and he will give the Board a plan.

Mr. Blomgren asked about Officer Ubele, and the Chief said he has been back for some time now, and is doing very well. He had been limited to working 48 hours per week, and Atty. Moschos suggested allowing him to work 56 hours.

At 7:15 pm Chief McKeon left the meeting

The Board then briefly discussed their position with the Fire Union. Mr. Johnson said he feels our position is correct - we know there is $1.3 million in Free Cash, and asked Mr. Moschos if we will win if we go through the process of having a Dept. of Revenue audit, and he said yes, if what he's heard is correct. Mr. Lynch said we have to convence the Dept. of Revenue that we need the Free Cash for other matters. Atty. Moschos said our position is that the Town can pay 2.5% toward raises, and it is up to the Fire Dept. to help fund any further increase. The Police would be very angry if the Dept. of Revenue found that we have more funds, and would want to renegotiate.

At 7:25 pm motion by Mr. Johnson, seconded by Mr. Emerson, to go out of Executive Session. Roll Call vote was as follows: Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

Judith E. Carter

EXECUTIVE SESSION OF THE BOARD OF SELECTMEN

APRIL 19, 1988

MEMBERS PRESENT: Mr. Ready, Mr. Johnson, Ms. Towle, Mr. Blomgren and Mr. Emerson. Bernard Lynch, Executive Secretary was also present.

MOTION TO GO INTO EXECUTIVE SESSION: Mr. Johnson made a motion to go into executive session for the purpose of collective bargaining, 2nd Ms. Towle, unanimous. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; and Mr. Ready-Aye.

Attorney D. M. Moschos was present to discuss the Fire and Police negotiations. Atty. Moschos stated that on 11/87 the Fire Union sent to letter asking for bargaining negotiations. Atty. David Wanger suggested dates. In February, 1988 Mr. Lynch sent a letter that Atty. Moschos would be representing the Town. Atty. Wanger filed an unfair labor practice. Atty. Moschos stated that the negotiations have been difficult. The Town filed a charge against the Union. The second meeting was tense. The third meeting showed the Union with 28 items and 50 proposals. The Union refused to respond to a fourth meeting request. Atty. Moschos feels that there is a game going on; that the Firefighters are a strong political group. Atty. Wanger is very tough. Atty. Moschos feels that he should continue with the negotiations and that the BOS should stay out. Mr. Johnson stated that he heard there was a personalty conflict with Atty. Moschos and Atty. Wanger. Atty. Moschos stated that he has asked for mediation. He is trying to be professional. Atty. Moschos stated that William Dalton, President of the Fire Union should deal directly with him not the BOS. Atty. Moschos feels that the Firefighters are not being fair and have refused to respond to proposals.

Atty. Moschos stated that the Police took a different tactic with their negotiations. The meetings with the Police were fair and helpful. Atty. Moschos stated that the comp time issued is being settled. The Chief stopped comp time because too much time gets built up. He is limiting the comp time to no more than 12 shifts/320 hours.

Mr. Johnson made a motion to support Atty. Moschos, 2nd Ms. Towle, unanimous. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; and Mr. Ready-Aye.

MOTION TO ADJOURN: Mr. Johnson made a motion to adjourn, 2nd Ms. Towle, unanimous. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; and Mr. Ready-Aye.

Submitted for the Board of Selectmen

Beth A. Cutrumbes

Beth A. Cutrumbes

Atty. Moschos then brought the Board up to date on collective bargaining with the Fire Dept., stating that they have had 4 sessions, with no progress, and today the Union insisted on a wage offer, which was made at 0-2-2, and that we can't legitimately offer them more than 2½ %. Mr. Moschos said he will ask for mediation although the Union's counsel, Atty. Wangner, is opposed to this. He wants the Board to tell the public that we are trying to negotiate. He added that the Board should not get involved with negotiations, that the Ex. Sec. and the Chief should not get involved in the cross fire and we should get a Labor Management Team to help. We should explain our position to the press - that the union has asked for a 38½% increase over 3 years, that we have had 4 meetings and the union refuses to respond, and it important that the press print both sides.

Update on Coll. Bar

In other matters, Mr. Lynch reported that the clerical union has in their contract that Good Friday is ½ day, and he had thought about asking if in view of the Prop. 2½ override questions being voted on Tuesday employees would work this Friday and have a ½ day on Patriot's weekend. Motion by Miss Towle, seconded by Mr. Johnson, unan. to close the Town Offices at 12 noon on Good Friday, April 1st.

Good Friday - One-Half Day

Mr. Lynch reported that a Highway Department employee was operating a vehicle in Westford when it got stuck. He claimed that he was told to go to Westford by a "higher authority", and not the Highway Supt. He will receive a written reprimand.

Highway Dept. Reprimand

At 6:50 p.m. motion by Mr. Johnson, seconded by Miss Towle, to go out of Executive Session. Roll Call vote was as follows: HJR-Aye; BAT-Aye; RAB-Aye.

For the Board of Selectmen, by

Judith E. Canta

EXECUTIVE SESSION OF THE BOARD OF SELECTMEN
JUNE 6, 1988

MEMBERS PRESENT: Mr. Ready, Mr. Johnson, Ms. Towle, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary was also present.

MOTION TO GO INTO EXECUTIVE SESSION: Mr. Johnson made a motion to go into Executive Session, 2nd Ms. Towle, unanimous. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; and Mr. Ready-Aye.

Mr. Ready stated that he meet with the Firefighters negotiating team recently. The Firefighters do not want to use a professional negotiator and feel Atty. Moschos is the "bad guy". They are pushing to get rid of Atty. Moschos. Mr. Ready asked if they would get rid of their negotiator. They stated that they would keep their negotiator but the town would have to let Atty. Moschos go. The Firefighters asked if one Selectmen would be allowed to participate. Ms. Towle stated that she is there to observe, not participate. Mr. Ready supports having one Selectmen, Mr. Lynch and a professional negotiator. Mr. Johnson asked if this is a concession of the BOS. Mr. Ready stated that it would be considered a concession. There is an unwritten rule of the BOS, say as little as possible. Mr. Blomgren was concerned that their may be perceived as a Selectmen "negotiator" and would signal other Unions for the same consideration.

Mr. Blomgren made a motion to continue with the mediation process and defer executive session until the BOS could talk to Atty. Moschos, 2nd Mr. Johnson, unanimous. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

MOTION TO ADJOURN TO REGULAR SESSION: Mr. Johnson made a motion to adjourn to regular session, 2nd Ms. Towle, unanimous. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; and Mr. Ready-Aye.

Submitted for the Board of Selectmen
Beth A. Cutrumbes
Beth A. Cutrumbes

EXECUTIVE SESSION OF THE BOARD OF SELECTMEN
MINUTES OF JUNE 6, 1988

MEMBERS PRESENT: Mr. Ready, Mr. Johnson, Ms. Towle, Mr. Emerson and Mr. Blomgren. Mr. Lynch, Executive Secretary was also present.

Attorney D. M. Moschos stated that the Town and the Police are getting close to completing their negotiations. They will meet in a formal meeting on Monday.

Attorney Moschos stated that the Firefighter are stalling by stating that the BOS will do the negotiating. The Mediator is waiting to hear from Attorney Moschos. Mr. Ready stated that Attorney Moschos is to tell Mediator that the team will continue in the same manner. One of the key points is that the Police Union has taken a cooperative tactic.

MOTION TO ADJOURN: Mr. Johnson made a motion to adjourn, 2nd Ms. Towle, unanimous. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

Submitted for the Board of Selectmen

Beth A. Cutrumbes

Beth A. Cutrumbes

MINUTES OF EXECUTIVE SESSION
June 27, 1988

MEMBERS PRESENT: Mr. Ready and Mr. Emerson were present. Mr. Lynch, Executive Secretary was also present. Mr. Johnson, Ms. Towle and Mr. Blomgren were absent.

This meeting was scheduled to discuss future plans and changes of the East School with the Boy Scouts Council members. Dennis Sheppard read a letter from the United Way. It is the Council's wish to raze the building and build a new building.

Mr. Emerson asked Mr. Sheppard when he expected demolition. Mr. Sheppard stated that they have not put anything into plans as yet as they wanted to talk to the Selectmen first. Mr. Emerson was in favor of the changes as he is unhappy with the building as it now stands.

Mr. Ready suggested that they look into the zoning guidelines. Mr. Ready asked the Council to pick a time and date to meet with the BOS again to discuss plans. It was decided that the first meeting in September would be appropriate to meet with the Council. Nicholas Vacca stated that they plan to have a fund raiser in January of 1989.

Mr. Vacca stated that they will be painting the building sometime this Summer. He also stated that he will be working with Mr. Lynch in keeping the BOS up to date.

Mr. Ready thanked the Council members for coming in and meeting with the Board. The press will be alerted to the plans of painting, etc.

Submitted for the Board of Selectmen

Beth A. Cutrumbes

Beth A. Cutrumbes

Ex. Sess. July 11,1988

Executive Session of the Board of Selectmen held Monday, July 11, 1988 at 6:30 p.m. Members present were: Mr. Ready, Mr. Johnson, Miss Towle, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary and Judith Carter, Adm. Asst. were also present, as were Labor Relations Counsel Dee Moschos and Police Chief Raymond McKeon. The purpose of the session was to discuss strategy regarding collective bargaining.

Agreement with Police Union

Atty. Moschos said that we have reached an agreement with the Police Union which he is submitting for ratification by the Board. He stated that one objective is to fund the contract through existing accounts, and that we have the ability to deal with the Blue Cross/Blue Shield issue. He said that Union was hoping for 6% - 6% and we told them 5% - 5%, which means there is about $100,000 to be funded. Ways to fund the contract are through minimum manning and civilian dispatchers, who would be paid $8 - $10 per hour, or $25-26,000 annualy tops. The Police Dept. has agreed to phase in civilian dispatchers over a 3-year period, adding one each year, which will reduce the department by 4 people over 3 years. Under minimum manning, the Union feels that the Town is committed to a 9 - 5 car, which is not part of collective bargaining. The Chief is presently running additional minimum manning, 1 day, 1 evening, and has agreed to a 9 - 5 car Monday through Friday. There are 6 on the evening shift, they have abolished the 1 - 9 shift, and with 3 additional people 1 will be assigned to each shift, which should help eliminate overtime evenings and nights. The Chief is committed to save $50,000 in overtime this fiscal year. The second year he should be able to save $50,000 by using 2 civilian dispatchers. Mr. Lynch is to look for other places to cut, or use free cash. There are 42 men in uniform, and 14 command officers. They will need 5 dispatchers, 4 full time and 1 part time, who would come under the Personnel Board. The Town must agree to pay time and one-half for weekend and holiday rates, not straight time, for Town work. Atty. Moschos added that we can't change the detail language in the contract, that health insurance can be re-negotiated and a $1,000 stipend will be paid to sergeants with more than 4 years service in the position. Atty. Moschos warned the Board that if we don't apply the same principle to the Fire Dept., we will pay dearly in 2 years with the Police Dept.

Contract Accepted

Motion by Mr. Blomgren, seconded by Miss Towle, to accept the contract as provided with the provision that Mr. Lynch be sent a confidential memo stating the provisions. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

Special Town Meeting Called

Motion by Mr. Johnson, seconded by Miss Towle, to call a Special Town Meeting for September 19, 1988 to ask for funding for the contract. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

Mr. Lynch then discussed the budget situation with the Board. He said that anticipated receipts are $3.5 million, $700,000 more than was anticipated earlier. Free Cash for FY89 will be app. $1 mil. - $1.2 mil. However, we won't have that "catch-up" money from previous excise taxes next year. Receipts for next year will be app. $3.1 mil. New Growth - app. $600,000. Our shortfall now is $331,000. He and the Town Accountant told the School Dept. to cut $231,000 from their budget - unemployment - $39,000; liability insurance - $60,000, which gives them $275,000 of "found money". We still have cut $1 million from the original requests.

Management Study

In connection with collective bargaining the proposed management study of the Police and Fire Depts. was discussed with Chief McKeon. The Chief said he has concerns about the consultant chosen - Mass. Municipal Consulting. He said that the MMA is the enemy of the Police Chiefs in the state - that they want to take away power from the Chiefs and eliminate Civil Service. He added that he doesn't mind the study, but doesn't like the people doing it, and does not want another Sheehan report. Mr. Lynch said he has checked with Hanscom, Concord, NH and Quincy, and they said we must tell MMA Consultants that this is an internal study. Atty. Moschos said that it could be kept confidential.
Motion by Mr. Johnson, seconded by Miss Towle, that the study will proceed with Chief McKeon, Chief Hughes and Mr. Lynch do the study with input from the consultants and then report to the Board. In this way the input would be confidential, and the output public record. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

At 7:30 pm motion by Mr. Johnson, seconded by Miss Towle, to adjourn to open meeting. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

Judith E. Carter

Ex. Session Aug. 22,1988

Collective Bargaining - Police Dept.

Executive Session of the Board of Selectmen held Monday, August 22, 1988 at 10:30 p.m. Members present were: Mr. Ready, Mr. Johnson, Miss Towle, Mr. Emerson and Mr. Blomgren. Ex. Sec. Bernard Lynch and Adm. Asst. Judith Carter were also present. The purpose of the session was to discuss strategy with regards to collective bargaining.
Motion by Mr. Johnson, seconded by Miss Towle, to allow Police Officer Francis Roark to return to duty on October 1, 1988 rather than January 1, 1989, as he had first requested. Police Chief McKeon is in favor of letting him return October 1st. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.
At 10:35 p.m. motion by Mr. Johnson, seconded by Miss Towle, to adjourn Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

Judith E. Carter

MINUTES OF EXECUTIVE SESSION
OF THE BOARD OF SELECTMEN

JULY 25, 1988

MEMBERS PRESENT: Mr. Ready, Mr. Johnson, Ms. Towle, Mr. Emerson and Mr. Blomgren. Mr. Lynch, Ex. Secretary was also present.

MOTION TO GO INTO EXECUTIVE SESSION: Mr. Johnson made a motion to go into executive session, 2nd Ms. Towle, unanimous. Roll-call vote: Mr. Ready-Aye; Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Emerson-Aye; and Mr. Blomgren-Aye.

Mr. Emerson stated that he was concerned with the Center School. According to Mr. Day, Town Accountant, they are 3 months in arrears on their rent. According to the newspapers, the lessee is going bankrupt. Mr. Emerson stated that according to the Police, the lessee is not locking all the doors at night and not setting the alarms. Mr. Emerson feels that the security of the building is in jeopardy. Mr. Ready stated that the building is still owned by the School Department. The BOS will determine the intention of the School Department. Mr. Lynch stated that the School Department has anticipated some kind of need for the Center School. Mr. Emerson felt that the BOS should persue the back rent immediately. Mr. Emerson wanted to ask Town Counsel send a notice to lessee to pay immediately or vacate. Mr. Blomgren stated that there had been notices from the Fire Deparmtent of several violations. Mr. Ready stated that if the lessee vacates, what will BOS do with the building.

Mr. Emerson made a motion to refer the matter to Town Counsel for immediate action for rent. Have Town Counsel spell out the violations and put on notice with documentation from Police and Fire Cpt. Galloway, 2nd Ms. Towle, uanimous. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; and Mr. Ready-Aye.

Mr. Johnson made a motion to go out of Executive Session, 2nd Ms. Towle, unanimous. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; and Mr. Ready-Aye.

Submitted for the Board of Selectmen

Beth A. Cutrumbes

Beth A. Cutrumbes

Executive Session of the Board of Selectmen held Monday, September 26, 1988 at 6:55 pm at McCarthy Middle School. Members present were: Mr. Ready, Miss Towle and Mr. Emerson. Bernard Lynch, Executive Secretary, and James M. Harrington, Town Counsel, were also present. The purpose of the session was to discuss pending litigation.

Mr. Harrington met with the Board to discuss the Rafferty case. Special Counsel Shumway has rescheduled the case and recommends suit against Cigna to require coverage of the Town for legal defense and indemnification. Cigna has refused to cover. Motion by Miss Towle, seconded by Mr. Emerson, to proceed with legal action. Roll Call vote was as follows: Miss Towle-Aye; Mr. Emerson-Aye; Mr. Ready-Aye.

At 7:05 pm motion by Miss Towle, seconded by Mr. Emerson, to adjourn. Roll Call vote was as follows: Miss Towle-Aye; Mr. Emerson-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

MINUTES OF EXECUTIVE SESSION
OF THE BOARD OF SELECTMEN
SEPTEMBER 12, 1988

MEMBERS PRESENT: Mr. Ready, Mr. Johnson, Ms. Towle, Mr. Blomgren and Mr. Emerson. Mr. Lynch, Ex. Sec. was also present.

Mr. Lynch stated that he received a request from Attorney Frank Cappazzara (Atty. for Telamos) regarding minutes from the last 4 years (regular and executive session) from the Board of Selectmen, Planning Board and Board of Appeals. Mr. Lynch feels that they are trying to build a case based upon favoritism.

Mr. Lynch has been in contact with Attorney Perkins and the Secretary of State. It was decided that after careful review of executive session minutes, if anything was still pending, it would be kept confidential.

Mr. Lynch will keep the BOS up to date on the status.

MOTION TO ADJOURN: Mr. Johnson made a motion to adjourn, 2nd Ms. Towle, unanimous. Roll-call vote: Mr. Johnson-Aye; Ms. Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; and Mr. Ready-Aye.

Submitted for the Board of Selectmen
Beth A. Cutrumbes
Beth A. Cutrumbes

MINUTES OF EXECUTIVE SESSION
OF THE BOARD OF SELECTMEN
SEPTEMBER 19, 1988

Meeting held at McCarthy Middle School.

MEMBERS PRESENT: Mr. Ready, Mr. Johnson and Mr. Emerson. Ms. Towle and Mr. Blomgren were absent. Mr. Lynch Executive Secretary, was also present.

Attorneys James Harrington and Thomas Horton were present to update the Board on the Timothy Raftery case. Timothy Raftery suffered an asthma attack. The Fire Department was on the scene first, then the ambulance. The ambulance would not start and Mr. Raftery died. There is now a suit being brought against the Town, the ambulance company and Ford Motor Company. When the claim was submitted to our insurance company, they denied coverage. Mr. Harrington stated that our liability is small, however, he is concerned that something may come up during discovery. Mr. Harrington recommended hiring special litigation and insurance attorneys, Shumway, Giguere, Byrne & Fox, P.C. at $110/hour to sue the insurance company and defend the Town. Mr. Harrington will do all the rough work in town and will keep the Board up to date on all stages. Mr. Ready stepped down as Chairman. Mr. Ready made a motion to approve the hiring of special counsel based upon Mr. Harrington's recommendation stipulating that prior to litigation Mr. Harrington would give the Board an update, 2nd Mr. Emerson, Mr. Johnson abstained. The motion passed on a 2-to-1 vote. Roll-call vote: Mr. Emerson-Aye; Mr. Ready-Aye; Mr. Johnson-Abstain.

CENTER SCHOOL - Mr. Johnson stated that he would like to see an operation like the Lighthouse School in the Center School. It is a non-profit organization, willing to pay rent and is a daytime operation. Mr. Johnson feels it is better to lease than to sell, Mr. Ready and Emerson agreed. Mr. Johnson made a motion to ask Mr. Emerson and Mr. Lynch to look at the various options, 2nd Mr. Emerson, unanimous.

UPDATE ON FIRE MEDIATION - Mr. Lynch stated that Ms. Towle spoke to the Mediator. There were no changes in the Firefighters' stand. The Mediator recommended going to the Joint Labor Management Committee. The next step will be Committee mediation with the Lynn Firefighters Union President and the Andover Town Manager sometime in October. Mr. Emerson stated that he spoke with the Water Commissioners and that the clearing of the hydrants is our duty. Mr. Emerson asked if there was some way to work in the maintenance of the hydrants with 4½%. Mr. Lynch stated that the Chief was opposed to that. Mr. Johnson made a motion to pursue the maintenance option, 2nd Mr. Emerson, unimous. The Board felt that the public should be aware that the Town is trying to work with the Firefighters and that the Town understands their concerns.

VARNEY PLAYGROUND - Mr. Emerson stated that he has been investigating the Varney Playground deeds, etc. Mr. Harrington stated that Varney cannot be brought under the DPW. It can be taken over by the Park Dept., School Dept., or Recreation Commission. The Board will withdraw this article.

Submitted for the Board of Selectmen
Beth A. Cutrumbes
Beth A. Cutrumbes

Executive Session of the Board of Selectmen held Monday, January 9, 1989 at 8:10 p.m. for the purpose of discussing the reputation, character, physical condition or mental health rather than the professional competence of an individual. Members present were: Mr. Ready, Mr. Johnson, Miss Towle,Mr. Emerson and Mr. Blomgren. Ex. Sec. Bernard Lynch and Adm. Asst. Judith Carter were also present, as were Jack Doole and Richard Boucher from the Alberton W. Vinal Post 313, American Legion. The Post had petitioned the Board for a change in manager at their club, from John Scarmeas to Richard J. Boucher. Mr. Ready read the police background report on Mr. Boucher, which indicated he had been arrested by the Nashua, NH Police in 1981 for Reckless Conduct, given a 60-day sentence which was suspended and fined $150 Mr. Boucher looked at the report and said that the person involved was not him. He admitted that the birth certificate Mr. Ready showed him that had been sent to the Police Dept. was his.
Mr. Blomgren referred to the Club's track record for the past 5 years. Mr. Ready said we will ask for further police reports on Mr. Buucher and check our records on the operation of the Club.

At 8:20 p.m. motion by Mr. Johnson, seconded by Miss Towle, to adjourn the Executive Session and return to Open Session. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye;Mr. Ready-Aye.

For the Board of Selectmen, by
Judith E. Carter

Executive Session of the Board of Selectmen held Monday, January 9, 1989 at 9:30 pm for the purpose of discussing strategy with regard to collective bargaining. Members present were: Mr. Ready, Mr. Johnson, Miss Towle, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Ex. Sec. and Judith Carter, Adm. Asst. were also present.
Mr. Lynch reported that in the Linstad case the Town has been advised to deny any liability. Motion by Mr. Johnson, seconded by Miss Towle, to do so. Roll Call vote was as follows: Mr. Johnson-Aye;Miss Towle-Aye; Mr. Emerson-Aye;Mr. Blomgren-Aye and Mr. Ready-Aye.
Mr. Johnson reported on negotiations with the Town Hall Clerical Union, stating that the Union is asking for the day after Thanksgiving off, which we will not give, 1/2

day before Christmas, which we will give, 10% for the next 3 years, their RIF policy to come from within the building, create male and female employees restrooms, give 5 days per year for inclement weather, which we will not do, and between the 16th and 20th year of employment to give 1 day per year of vacation until 5 weeks are reached after 20 years.
Mr. Lynch said that the Town wants: new language on the agency fee; a probationary period - 6 months for new employees, and 90 days for promoted employees; requiring a physician's certificate if an employee is absent excessively with a pattern, but give a warning to the employee first; change in maternity leave language;a no strike article. Mr. Johnson said they would like to settle this contract quickly.

Mr. Lynch said that on the Fire contract, he talked to the Dept. of Revenue this weekend at the Mass. Municipal Convention, and when they do the audit requested by the Fire Dept. they will look at the long-range picture, and promised they would do more of a financial analysis.

At 9:45 pm motion by Mr. Johnson, seconded by Miss Towle, to adjourn. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye and Mr. Ready-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, **January 23, 1989** at 9:10 p.m. Members present were: Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Miss Towle was out of Town on business. Bernard Lynch, Executive Secretary, and Judith Carter, Adm. Asst., were also present.

Mr. Emerson reported that he and Mr. Lynch have met with Harold Kecy regarding his sandbank adjacent to the Highway yard. He will enter into a 10-year lease for $20,000 per year. Over a 15 - 20 year period this will save the Town a lot of money - we can buy sand from him for about 1/2 the price of buying the sand on the outside, app. $3.00 per yard. We have sand now that we can't get to but by leasing Mr. Kecy's land we will be able to. There are app. 65,000 yards on the Kecy land. Mr. Johnson said that in the first year or so the sand won't be cheaper, but would be over a 10-year period. Mr. Lynch said that we will have to restore the land when we are through with it. Mr. Blomgren asked Mr. Lynch to put together a proposal addressing all issues, and Mr. Johnson added that there is a cost to pull it out and screen it, and we need more information. Mr. Lynch said that Capital Planning has been looking at the Proposal, and that Mike Crory thinks it is a good deal. Mr. Emerson said that the proposed lease has no escalation clause, and that the cost of sand will go up in the future and it will be harder to find. Mr. Lynch will put together a spread sheet.

At 9:20 p.m. motion by Mr. Johnson, seconded by Mr. Emerson, to adjourn the Executive Session. Roll Call vote was as follows: Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmn, by

Judith E. Carter

Executive Session of the **Board of Selectmen** held Monday, **February 6, 1989** at 6:30 p.m. **Members present** were Mr. Ready, Mr. Johnson and Mr. Blomgren. Mr. Emerson joined the meeting later, and Miss Towle was absent due to illness in her family. Bernard Lynch, Ex. Sec. and Judith Carter, Adm. Asst. were also present, as was **Fire Chief Robert Hughes.**

Mr. Lynch said that Chief Hughes was present to discuss the reorganization of the Fire Department, as recommended by the study report. He added that when studies of both the police and fire departments are completed, the Board can sit down and discuss both.

Chief Hughes said that reorganization is the least costly of the recommendations to implement. Mr. Blomgren said he wants to see all the recommendations extracted from the report and an action plan, and Mr. Lynch told him that this is half done already. Chief Hughes said that implementation is continuing, but there has not been enough time to do it all. Mr. Lynch stated that there will be a final report after errors and things that were misunderstood are corrected. Chief Hughes said that regarding purchasing, he does use state and federal pools, he follows a capital plan, and basically agrees with the study's recommendations. He expects to get 20 years from most of his trucks due to the excellent care given them by the mechanics.

Chief Hughes then said that he has wanted to add a second deputy for a long period of time. Civil Service tests have been given, and 3 men passed the test for Deputy Chief, and 2 for Captain. He said that this is the cheapest thing to implement, and has kept his budtet at a 3% increase, including this change. With this change he will be gaining another deputy and upping an officer. A private will be promoted to captain, and one new man hired. The captain's position is non-union, but the person to be promoted is currently in the union. Men passing the Deputy's exam were: Captain Galloway, Private Mike Burke and James Boeermeister. Passing the Captain's exam were Mike Burke and Walter Adlee. The Chief wants to see Captain Galloway made Deputy Chief and Private Burke promoted to Captain as Code Enforcer. Deputy Chief Sousa will work on Fire Loss Management and Safety. He also wants to put Captain Burke on Sara III work in a few months. Mr. Johnson said he cares about budgetary constraints for police and fire, and Chief Hughes said he doesn't see much budget increase for the next 2 years.
Mr. Lynch explained Sara III, stating that it is a federal regulation regarding hazardous waste - each business in Town has to have any hazardous waste listed with the Fire Department. Mr. Ready told the Chief that when he is going to computers, it would be helpful to bring in a data entry person. Chief Hughes said that they now have one DEC and two Wang computers, all of which

were donated. Mr. Blomgren asked if the Wang computers were ever accepted by the Town, and he wants to see documentation that this was done. Chief Hughes said that these were a corporate donation, and he sent a notice to the Board and a thank you letter to Wang. Mr. Blomgren asked if, as a matter of strategy, it is right to keep getting different makes of computers. Mr. Ready asked Mr. Lynch to formulate a policy on how to handle donations and maintenance contracts.

Chief Hughes then summarized what he is doing, and said he wants the Board's input. His total non-union salary increase is $65,000, including longevity, step increases, raises and a new man ($21,000). Mr. Ready said he wants to work on getting captains into management.

Mr. Emerson arrived at the meeting.

At 7:10 p.m. motion by Mr. Johnson, second by Mr. Emerson, to adjourn to open session. Roll Call vote was as follows: Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, February 13, 1989 at 7:20 p.m. **Members present** were: Mr. Ready, Mr. Johnson, Miss Towle, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Ex. Sec., Judith Carter, Adm. Asst, Labor Counsel D. M. Moschos, Police Chief Raymond McKeon, Officer Chandler Robinson and Police Union Attorney Buckley were also present. Mr. Robinson's fiance was also present, but the Board asked her to leave since she was not involved in the incident to be discussed. The purpose of the session was to discuss the conduct of an individual, collective bargaining and filing of criminal charges.

Atty. Moschos outlined the procedure to be followed, and introduced Attorney Buckley, Police Union lawyer representing Officer Robinson. Mr. Moscho said that this is an informal hearing to determine if the Board should impose further discipline, and 1. to determine whether to impose; and 2. if yes, determine what to impose. Mr. Moschos said that Atty. Buckley should be allowed to speak for Officer Robinson, and the Board agreed to this.

Attorney Moschos gave the charges, representing the Town and the Police Chief, and noted that the Chief had already imposed a 5 day suspension for incompetence, which had been served. He stated the evidence, as follows: on January 18, 1989 at 1:25 pm Officer Robinson was on duty as dispatcher at the Police Station and took a call from the medical secretary to Dr. Burke. She called because an unknown person was trying to get in to the office where she was working alone. He left the office, went to his car and came back. She had gone to another office. She gave Officer Robinson the license plate number and he agreed to run a plate check. At 1:52 she called again, asking if he had any report for her. The Police Department record says that no check was made on the license plate, and no action taken by Officer Robinson. Witnesses were the complainant, Dr. Burke, employees at Metropolitan Life (adjacent office) and police officials. They also have tapes of the two calls. The Town charged him with neglect of duty and incompetence. Transcripts of the tapes had been made available, but Atty. Buckley asked that the tapes be played, which Chief McKeon did.
Atty. Buckley said that the woman didn't sound hysterical, but Officer Robinson realizes that he should have sent a cruiser. He said the tape is not clear, that there seems to be much noise and confusion at the station. Officer Robinson took the 5 day suspension because he recognizes his error, and will make sure that it doesn't happen again. He thought the call was only for a plate check, and no harm came to anyone.
Mr. Johnson asked what is normal procedure with a call like this, and Chief McKeon said he should have sent a car and checked the plate on the teletype if the computer was down, since the woman had complained of a felony.

Atty. Buckley said that Officer Robinson erred, but the woman wasn't in danger. Miss Towle asked if this had ever happened before with Officer Robinson, and the answer was no, not this type of action.
Chief McKeon said that this was an effective forced entry - he got into the foyer, but couldn't get into Dr. Burke's office because he couldn't pry the deadbolt. Atty. Buckley said again that this is a confusing tape to use, but would have been worse if you had been at the station, with the noise and confusion. His client has admitted to the error.
Chairman Ready asked if the Board wishes to impose further punishment? Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-No; Mr. Ready-No. Mr. Blomgren asked if 5 days is the maximum the Chief can give, and Atty. Moschos said yes. Atty. Moschos said the Board can give him a further suspension, or seek to dismiss him from the Police force. He cited Officer Robinson's prior record with the department: 6/28/83 - 3 day suspension; 7/28/83 - 5-day suspension (calling in sick when he wasn't); 9/7/83 - written warning; 3/1/84 - written warning (not logging calls); 7/4/87 - verbal warning; 7/11/88 - verbal warning (quality of written reports). He doesn't recommend that the Board consider termination because the woman wasn't hurt. He does recommend further suspension because: 1. his previous offenses; 2. the suspect could have still been on the premises; and 3. he is a trained officer and should act accordingly. Attorney Buckley stated that most of the offenses occurred 5 - 6 years ago; he has done a good job since then, he rcognizes his error, and if the Board asks for further suspension, it shouldn't be for more than another 5 days.
Miss Towle asked if the Police Union is involved,and was told yes, by providing an attorney. Mr. Blomgren asked how many years of service Office Robinson has, and was told 9, and Chief McKeon said he has had whatever additional training is required. Mr. Blomgren asked if he had been working extended periods of time prior to the incident, and Officer Robinson said about a 60 hour week. Atty. Moschos then said the Board must vote - the Town wants a 60 day suspension, and Atty. Buckley is asking for a 5 day suspension.
Mr. Johnson said he wants to listen to the Chief, but wants a compromise position - 5 days is not enough and 60 days is too severe. He thinks 30 days is fair, and moved to hold a hearing to do so, seconded by Miss Towle. Mr. Emerson said that he knows Mr. Robinson personally, but in view of the error he doesn't think even 60 days is enough, due to his lack of ability to fulfill his responsibilities. Mr. Blomgren said he supports the Chief's recommendation, but agrees with Mr. Emerson. Mr. Ready said he supports Mr. Johnson's motion for 30 days, since the call could have been taken as a requst to check on the license number, he feels, after listening to the tape.
At 8:07 pm Mr. Ready called for a recess, so the attorneys could

confer.
At 8:10 pm the hearing resumed.
After discussion, motion by Mr. Johnson, seconded by Miss Towle, to suspend Officer Robinson for an additional 25 days, for a total of 30 days, including the 5 already served. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.
Motion by Mr. Johnson, seconded by Miss Towle, to authorize Counsel to draft the motion. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye;Mr. Ready-Aye.
The heaaring ended at 8:11 p.m.

Miss Towle said that Mr. Emerson has an update on Fire negotiations. Mr. Emerson said he had heard that the City of Lawrence firemen had agreed to a contract with the payment of retroactive wages, but they can't pay because they don't have the funds. He said he presented this idea to our fire union - what if we find we don't have the money, we are proposing a Special Town Meeting. He said they are anxious to settle and have asked to sit with him and Miss Towle, without counsel. Miss Towle said she feels it should be just her, since she has handled all the fire negotiations for the Board so far. Mr. Ready said he wouldn't send a Selectman alone, we need at least the Executive Secretary.
Mr. Lynch explained other group's settlements - Highway Dept. - 5% (2 years prior); Clerical Union - 5% (2 years prior); Personnel Board - 2 1/2% (last year); Police - 5% (last year). He said that fire mediation is scheduled for next week. Atty. Moschos said that we have to have the right to re-open the health insurance, that the Police have given that clause; and 2. we need a re-opener clause.
Motion by Mr. Johnson, seconded by Mr. Emerson, that the Board ask Miss Towle to go to the Fire union with 3 1/4, 3 1/4 and 3 1/4%, with the same clause as the police contract re health insurance and re-opening the contract. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

Mr. Blomgren asked about the American Legion liense - the Board has received a letter from John Scarmeas stating that he resigned as manager on August 17. Mr. Lynch said there is no manager on the premises now, and Mr. Johnson asked that they be called in to the Feb. 27 meeting.

Mr. Emerson said that we have morale problems in the Highway Department - word is out that the Highway Dept. may be reduced by 5 - 6 men, the department is not running well, and there seems to be some conflict between the superintendent and some of the older employees. Mr. Emerson commented that Mr. Crory had the letters

taken off his car, and Mr. Lynch said he is going to check with Littleton, that the car has been seen doing part-time police work. Mr. Johnson said we should tell him to put the letters back on the car. The Board agreed to have Mr. Crory in to the next meeting in Executive Session at 6:30 p.m.

At 8:35 p.m. motion by Mr. Johnson, seconded by Miss Towle, to adjourn the meeting. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, February 27, 1989 at 6:40 p.m. **Members present** were: Mr. Ready, Mr. Johnson, Miss Towle and Mr. Emerson. Mr. Blomgren was away on vacation. Bernard Lynch, Ex. Sec. and Judith Carter, Adm. Asst. were also present.

Superintendent of Streets Michael Crory was present to discuss his department with the Board. Mr. Ready said that the reason for having Mr. Crory in is that there are rumors about the morale problems and fighting within the department, and accusations that Mr. Crory has been improperly using a Town vehicle. Mr. Emerson added that some of the accusations have come from outside, as well as from employees. Mr. Lynch told Mr. Crory that it came up at the Board's last meeting that there are morale problems in the department, that some employees are disenchanted with the way that the department is run. He said that the accusations about the Superintendent's car are that the letters were taken off the side, and that the car is being used as a police cruiser in Littleton, with lights and a radio.
Mr. Crory told the Board that he should have told them that he was removing the lettering from the side. He did this because he was constantly being pointed out by employees when he was at lunch or other personal business. He said that the employees don't like the way he is running the department. He said that the car is used for business only, not for personal use. He then asked the Board if he should let the men run the department, or should he run it for the good of the Town. He wants men who will work and do things the way he tells them to. Mr. Johnson said that there are only 16 - 18 men, and there is so much infighting, and 6 or 7 of them are complaining. Mr. Emerson said that the department has been a family affair for years and the Board knows the caliber of some of the employees, but when we hear rumors we have to inquire. He said he can accept an admitted mistake. Mr. Crory asked what is the answer, and Mr. Emerson asked if he could punish or fire one or two of the men and let the others know that if they don't shape up, they will be next. He said that he wouldn't want to see six let go at once. Mr. Lynch stated that we do need budget cuts, and this may be the time to let some of the men go - there are no drainage projects for the next two years. Mr. Crory said that any cuts would have to be by seniority, and he would lose a couple of good men. Mr. Ready commented that if we could, he would conract everything out. Mr. Johnson said that it seems the problem may be with the foremen, if the jobs aren't getting done. Mr. Crory said that whenever he tells them about an upcoming project men start calling in sick, and Mr. Lynch said you can tell this by looking at their sick time records - most of the men have none accumulated, although they have been working in the department for years.
Mr. Emerson then said there are 2 issues that he has been getting the most talk about - 1. why does the Town provide the Highway

Supt. with a Crown Victoria; and 2. why does the deparment need 3 foremen. He asked how many pickup trucks the dept. has, and Mr. Crory said 4, but 2 are non-operable. The mechanic uses one, and the other is for the sign dept. Two of the foremen use old police cruisers, and the other drives a pickup truck. He asked Mr. Crory if he could go back to using a pickup truck, and Mr. Crory said that it is really not feasible, that quite often he has 3 or 4 people with him, going out on inspections or to meetings. Mr. Johnson said that the Supt. has always used a pickup truck, and that we could trade in the Crown Victoria for one. This would eliminate some flak - a Crown Victoria is a luxury, a pickup truck is a necessity. Mr. Lynch noted that the Supt. can't put anything in his truck without violating the union contract. Mr. Emerson asked what about a basic station wagon, and Mr. Ready said that when the lease is up the Crown Victoria should be traded in for a wagon. He asked Mr. Crory to check with the Board before doing things like removing letters from the side of vehicles, and to try to work with the Board. Mr. Johnson asked Mr. Crory to give the Board a 6 -12 months game plan. Mr. Crory said that the 3 men trying to undermine him are Harvey, Greenwood and Newcomb. Mr. Ready told him to wait a couple of months and then have the car re-lettered, and Mr. Emerson suggested Town seals. Mr. Crory said he will put seals on and tell the men it is his own idea.
Mr. Crory left the meeting at 7:10 p.m.

Mr. Ready then updated the Board on the Scotty Hollow matter. He said there is a new U. S. attorney who has convened a grand jury, and is trying to pin blame on Atty.James Harrington. He and Robert Hicks had a relationship in the past, when Mr. Hicks was his client. Now Mr. Hicks is accusing Mr. Harrington of sabotaging the Scotty Hollow rezoning. Mr. Ready said that the rezoning was not done because of a methane gas problem at the adjoining landfill. Everyone on the Master Plan Advisory Committee, Planning Board members and Miss Towle as Chairman of the Board of Selectmen at the time will be subpoenaed. In August, 1987 we appointed a Special Counsel to deal with Hicks matters, since Town Counsel Harrington cannot represent us, and Mr. Ready wants the Board to retain an attorney to advise us. Motion by Mr. Johnson, seconded by Mr. Emerson, to have Miss Towle and Mr. Lynch select a Special Counsel to represent the Town. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Ready-Aye.

Mr. Johnson then said that speaking of luxury vs necessity, he feels that the Executive Secretary's car phone was not a good idea in light of the budget constraints, that we are in a bad year, and he wishes that Mr. Lynch had contacted the Board before purchasing it. Mr. Ready said that the Board doesn't want Mr. Lynch sitting in the office all day - that he needs to be on site

for some things and attend meetings and seminars and should be available by phone, and Miss Towle said she feels there are valid reasons for him to have a car phone. Mr. Emerson said he thinks Mr. Lynch should have explained what he wanted to do. Mr. Lynch told the Board that he needs the phone because he can check in with the office more readily, but he should have realized the political concerns and should have come to the Board first. He explained that it is not a true car phone but a mobile phone, that can be used anyplace.

At 7:25 p.m. motion by Mr. Johnson, seconded by Mr. Emerson, to adjourn for the regular meeting. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye;Mr. Emerson-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

Judith E. Cantz

Executive Session of the **Board of Selectmen** held Monday, **April 10, 1989** at 6:45 p.m. Members present were: Mr. Johnson, Mr. Ready, Mr. Emerson and Mr. Blomgren. Miss Towle was absent due to illness. Executive Secretary Bernard Lynch, Administrative Assistant Judith Carter, Labor Counsel John Chinian and Highway Supt. Michael Crory were also present. Agent Michael Gormley, Stephen Harvey and Dennis Greenwood were present from the Highway Union.

The purpose of the session was to discuss the appeal of a grievance that had been denied by Mr. Crory.

Mr. Chinian said that the Highway Dept.'s position is that under the contract employees get a 15 minute coffee break. On July 21, 1988 the Supt. issued a coffee break policy stating that there is 1 15 minute break, and this policy was posted in the Highway Dpet. In September, 1988 Mr. Harvey was verbally warned by Ray Costa that he was abusing the coffee break, and in October, 1988 Mr. Greenwood was verbally warned by Mr. Crory. Mr. Crory then summarized the events of Feb. 8, 1989 as stated in his memo of February 14. On February 22, 1989 Mr. Crory issued written warnings to Mr. Harvey and Mr. Greenwood stating that they had violated Article 11, Section 2 of the contract. Mr. Chinian added that the contract says one coffee break, they were taking two and a written reprimand was called for. The Dept. Supt. is asking the Board to uphold the issuing of the reprimands.

Mr. Gormley said he has difficulty with the presentation - Mr. Crory had told the men that it was OK to get coffee to go in the morning, and the men thought that this was OK still in spite of the July posting. They do not think they were sufficiently informed. The union feels that discipline should be imposed and followed in a timely fashion, and they want to know why no written warning until 2 weeks after the incident. The union and the men have no problem with the rules as established, have tried to work with the administration, feel that these 2 individuals are being singled out and ask the Board to rescind the written warnings. They are concerned with the Highway Dept. image, and feel that this discipline is excessive and untimely.

Mr. Ready commented that Mr. Greenwood took a vacation day the day after the warning, and asked if vacation can be taken in hours. Mr. Crory said yes, and added that they are allowed to get coffee to go in the morning, but he thinks 10 minutes is too long to stand around waiting to get the coffee.

Mr. Emerson said he feels that taking coffee to the job is also a form of coffee break, and that they should pick up their coffee on the way to work, not the job. Mr. Blomgren asked does he practice of getting coffee on the way to the job still continue, and where was the job on the day in question? Mr. Crory said he will check the location. Mr. Johnson asked if at 7:10 am they were standing in line or sitting down. Mr. Greenwood said in line and Mr. Johnson said that he thinks that 10 minutes is too much time unless this is a prior practice. Mr. Blomgren said that 15 minutes in line per day per man adds up to 48 manweeks per

year.
Mr. Harvey said he comes in at 6:30 am every day, but punches in and starts getting paid at 7:00 am. Five or six other employees also do this. He added that Harold Gray did a good job as Supt. but things have not been too good over the past 6 months. Mr. Johnson suggested that maybe he could get his coffee then. Mr. Greenwood added that they were patching on the day in question, and Burger King was in their area. Mr. Emerson asked if there are places in Town that are "off limits", and has he been told not to go to Jack's Diner? Mr. Harvey said he has not been told personally but he understands that Mr. Crory may have told some others not to. Mr. Crory said that management reserves the right to suggest where they go for coffee, that it should be in proximity of the job site.
Mr. Gormley said it is not unusual for highway workers to get coffee to take to the job site - it is not like a desk job where they can drink coffee while working. These are the only two men who have been questioned, and the practice continues. The men are willing to cooperate with management.
Mr. Chinian summarized the Town's position - that Mr. Crory had issued a clear policy, these 2 men had been verbally warned and it was appropriate to issue the written warnings. Mr. Greenwood said if we are changing the policy let's be fair - the Supt. allows 1 man to take a loader home for breakfast or lunch - if you nail one, nail all. Mr. Harvey commented that he feels the department has gone downhill since Harold Gray left.
At 7:20 pm motion by Mr. Ready, seconded by Mr. Emerson, to take the matter under advisement. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. The union left the meeting room.
Mr. Chinian said that the important thing for the Board to do here is to support Supt. Crory, that a written reprimand is more formal than oral reprimands, although he didn't notify the Board of the verbal warnings. Mr. Emerson asked if he would agree to reducing this to a "written verbal warning", and moved to do so. There was no second to his motion.
Motion by Mr. Ready, seconded by Mr. Blomgren, to support Mr. Crory's written warning and deny the grievance and support the enforcement of the practice. Roll Call vote was: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

At 7:20 pm the Board met with **Fire Chief Hughes** and **Union President William Dalton** to hear grievances filed by the **Fire Union**. Labor Counsel Dee Moschos was present for this meeting. Mr. Dalton spoke first, addressing the issue of "sick certificates". He said that on March 8 the Chief sent notice to all the men that he required a doctor's note when they were out sick, retroactive to March 5, until sick leave is no longer abused. All but 3 of the men obtained notes. The second issue is that the Chief did not fill the positions of the men out sick,

which is in violation of minimum manning. Under Article 21, they want the department to pay back 7 shifts and pay back the men without notes. Mr. Moschos said that 1. they saw a marked change in the use of sick leave - there was no evidence of an epidemic; and 2. the Chief used the contract to require notes from doctors. Minimum manning - the number of men must be divisible by 4, and the Chief did not have to fill the positions. Mr. Dalton said that there were 60 men at that time in the bargaining unit. The Chief disagreed, stating that if the number had been 60, minimum manning would have been honored. Mr. Dalton said there were 60, and Chief Hughes said only 59. There was debate over including the Fire Prevention Officer.
Motion by Mr. Blomgren, seconded by Mr. Ready, to take under advisement. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.
Firefighter Michael Ridlon was present with a grievance. He said he had only been notified of the meeting an hour ago. The Board gave him a chance to postpone the meeting until April 18, but he said No. Under Article 38, station bidding - there are seven positions in a unit, for a total of 28. He was #8 in Unit 3, and some men with seniority had no bids. The union and Acting Chief Sousa had agreed to forego Art. 38, Section F, unit seniority, and a man could cross to another unit and take a bid. He has seen 2 men cross to Unit 3 and take his bid. When there was an opening in Unit 1 he was not asked, and a fireman with less seniority was offered the bid. Mr. Moschos asked if seniority counts by department or unit - the contract defines seniority by unit, and the Town should deny the grievance. Mr. Dalton said the verbal agreement should stand, and the units are not equal.
Motion by Mr. Ready, seconded by Mr. Emerson, to take the grievance under advisement. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

At 7:45 pm motion by Mr. Ready, seconded by Mr. Emerson, to adjourn to Open Session. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgen-Aye; Mr. Johnson-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the **Board of Selectmen** held Thursday, **April 20, 1989. Members present** were: Mr. Johnson, Mr. Ready, Mr. Emerson, and Mr. Blomgren. Miss Towle was on vacation. Executive Secretary Bernard Lynch and Administrative Assistant Judith Carter were also present.
Police Chief Raymond McKeon and Officers Patrick Daley and Thomas Niemaszyck were present regarding a letter sent to the Board about Police detail work. Mr. Lynch said that last November Henry Sullivan had started a new business - a flagman service to serve various communities. Mr. Sullivan came to him and the Chief and they both told him they had concerns about collective bargaining. Then they got a call saying that Mr. Sullivan had been saying that his service had the endorsement of both the Chief and the Executive Secretary. Mr. Ready said we should send a letter to Mr. Sullivan saying that the Board of Selectmen is against any attempt to change the language in the police contract and street opening by-law, and we do not endorse his service and have no intention of allowing him on Town raods.
Motion by Mr. Ready, seconded by Mr. Emerson, to have the Chief and the Executive Secretary draft a letter to Mr. Sulivan, make sure it is legal, and explain the Board's position. A copy should go to the Police Union. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. Mr. Ready also asked Mr. Lynch and the Chief to check the liability of non-police officers directing traffic.

Attorney Mark Gauthier, Chairman of the Board of Health, was present with an engineer from Weston and Sampson and an attorney from the firm of McGregor, Shea & Doliner, who are representing the Board of Health in the **Scotty Hollow/Swain Road Landfill** matter. Mr. Gauthier was present to discuss the letter sent by the Board of Health to the Board requesting a Special Town Meeting on May 8 to transfer money to the Board of Health to recap the Landfill. Mr. Johnson asked if where litigation is pending, are we as a Town being premature in taking action. Mr. Gauthier said we are under a Consent Decree to cap the landfill and are behind schedule by approximately one year. The cap has been damaged and counsel has notified the DEQE. The engineer said that we need to make the regulatory authorities (DEQE) aware of what has happened. Mr. Johnson said he is afraid that if we fix the cap and then give the bill to Mr. Hicks, he might not pay it. The engineer said that DEQE wants the work done first, and then they evaluate. Mr. Johnson added that with the Grand Jury investigation this is already a complex situation. Mr. Emerson said that we need an opinion from our special counsel and can't afford to do anything without it. Mr. Ready stated that since Mr. Hicks could fix the cap at cost, he would fight a bill presented by an outside contractor. The engineer said that we do have options - we could have Hicks remove the material, which

would require an Order of Condtions, but he doesn't think that DEQE would allow him to do the repair work, that we need specialty engineers for that. Mr. Gauthier said that we are still in the investigative stage of bringing a lawsuit and can't count on DEQE not saying to finish the job now. Mr. Johnson said we can always call a Special Town Meeting any time, if needed. Mr. Gauthier said he thinks that the Grand Jury matter should be separate from Swain Road, and the landfill cap must be treated as a separate issue. Mr. Blomgren said we can't support without an OK from counsel to do so. Mr. Lynch asked Mr. Gauthier how much they need to satisfy DEQE and he said that $250,000 would do it. This amount is already available for loaming and seeding but could be transferred to meet DEQE requirements. Mr. Ready stated that we need a quorum of 300 for a Special Town Meeting and that we will be calling one probably in September or October. Mr. Gauthier then said the Board of Health will pull their request for a Special Town Meeting.
Mr. Gauthier told the Board that on another issue, he has been contacted by Mr. Hicks' counsel James Geary, but they have not met yet.

At 9:30 pm motion by Mr. Ready, seconded by Mr. Emerson, to adjourn. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the **Board of Selectmen** held Thursday, **April 20, 1989** at 7:45 p.m. **Members present** were: Mr. Johnson, Mr. Ready, Mr. Emerson and Mr. Blomgren. Miss Towle was on vacation. Bernard Lynch, Executive Secretary, and Judith Carter, Administrative Assistant, were also present.

Mr. Blomgren said that yesterday they held their second meeting with the **Highway and Cemetery negotiating** teams and went through the agenda items. With the proposed layoffs they want to go to impact bargaining. He and Mr. Lynch talked with Mr. Gormley, and they went back and forth with the union for 8 hours. They agreed to an increase of 0 -3 1/2 - 4, asked for Classification changes, a 3-year contract, and we added the substance abuse clause. The first year of the contract will call for 0% increase, but with changes in classification will actually be 3.4% the first year. They are asking for RIF not to exceed 2 in FY91 and 92, which gives them job protection for at least one year. Changes were made to language on vacations and personal leave. Mr. Lynch said they have voted to accept the contract but have not yet signed. Mr. Johnson said he will contact the media when the contract has been signed.

Motion by Mr. Ready, seconded by Mr. Emerson, to approve the contract as presented by Mr. Blomgren. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. Mr. Lynch said that the Cemetery contract is the same, except for the classification, and has an increase of 3 1/2 - 4 - 4. We have asked for a RIF as of July 1, 1989 but they have rejected it. Mr. Blomgren said the Board should send a message that they support it. Motion by Mr. Ready, seconded by Mr. Emerson, to support the proposed Cemetery contract. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

At 7:55 p.m. motion by Mr. Ready, seconded by Mr. Emerson, to adjourn to Open Session. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the **Board of Selectmen** held Monday, **April 24, 1989** at 7:20 p.m. Members present were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary, and Judith Carter, Adminsitrative Assistant, were also present.

Miss Towle reported that they had a 3 1/2 hour mediation session with the Fire Union this afternoon, their 4th. This session was the 11th meeting with the Fire Union. The Joint Labor Management Committee will decide if the matter should be re-offered to fact finding or arbitration. The Town offered 4-5-5 in exchange for elimination of minimum manning, station bidding, reopener clause and talk about health insurance. The Union is asking for 5-5-5 and a 2% night differential. The Board discussed the ads that the Union has been running in local newspapers. Miss Towle noted that the JLMC meets on Friday.

Mr. Johnson said that he wants to ask the voters to dismiss the ATM articles that we have listed, but not until after the Special Town Meeting, and Board members agreed.

At 7:30 p.m. motion by Miss Towle, seconded by Mr. Ready, to adjourn to Town Meeting. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the **Board of Selectmen** held Monday, **May 1,1989** at 7:25 pm. **Members present** were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary and Judith Carter, Administrative Assistant, were also present. The purpose of the session was to discuss strategy with regard to collective bargaining.

Mr. Johnson told the other members that the reason for the session is that Fire Union President Bill Dalton came to his ofice at 2:30 this afternoon and left at 4:30. He told Mr. Dalton that he did not want to discuss the contract without Miss Towle present as liaison. Two and one-half hours before Town Meeting was too late for the Board of Selectmen and Finance Committee to review any proposals. Miss Towle noted that there is a meeting with Chairman Dunlop of the Joint Labor Management Committee on Thursday morning, and made a motion, seconded by Mr. Ready, to have the Executive Secretary meet with Attorney Moschos, Attorney Wanger, Bill Dalton and Mr. Dunlop. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye.
Mr. Emerson asked if the Board would consider cutting their 11 holidays paid at triple time - we would pay triple time for Christmas, Thanksgiving and one other, as a compromise, and cut the other 8 back to no more than double time. It was asked, too, if we had offered them 3% the first 6 months, then another 2%. Mr. Lynch said he had done a fact sheet on civilian dispatchers, which shows benefits they won't get.

Mr. Lynch told the Board that we will be laying off one Public Buildings custodian, who has built up 78 sick days. They are not paid to an employee if he quits, only on retirement. Mr. Lynch is asking the Board to buy back the sick days at 50%, effective July 1, 1989 so that he can't collect unemployment. The Board decided to pay him at 60%, in a lump sum. Motion by Miss Towle, seconded by Mr. Ready, to do so. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

AT 7:30 pm motion by Miss Towle, seconded by Mr. Ready, to adjourn to the Town Meeting.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the **Board of Selectmen** held Monday, **May 22, 1989** at 8:35 p.m. The purpose of the session was to discuss **collective bargaining.** Members present were: Mr. Johnson, Miss Towle, Mr. Ready and Mr. Emerson. Bernard Lynch, Executive Secretary and Judith Carter, Adm. Asst., were also present. Mr. Blomgren was away on business.

Mr. Lynch reported on Fire Dept. negotiations, stating that Professor MacLeod, BU Law School, will sit down with both sides within the next 2 or 3 weeks, then he will mediate the type of arbitration and then mediate the actual issues.

Mr. Lynch reported that he and Mr. Blomgren met with the Cemetery Union and they agreed to a 3 year contract, 5 - 4 - 4, would allow for one worker to be laid off July 1, with the same language as the Highway contract on vacations, personal days, substance abuse policy. Motion by Miss Towle, seconded by Mr. Ready, to approve the contract if it is accepted by the Union. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Ready-Aye.

At 8:45 pm motion by Miss Towle, seconded by Mr. Ready, to adjourn. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Johnson-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the **Board of Selectmen** held Monday, **June 19, 1989** at **6:30 p.m.** **Members present** were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary, Judith Carter, Adm. Asst. and D. M. Moschos, Labor Counsel were also present. Fire Chief Robert Hughes and Firefighters William Dalton and William Campbell were present to discuss **collective bargaining.**

Atty. Moschos said the purpose of the session was to discuss an appeal to the Board by Officer Campbell of the denial of his grievance on longevity pay by the Chief.

Mr. Dalton said that according to the contract Mr. Campbell is entitled to 6% longevity, rather than 3% which he is receiving, since he has been employed by the Town for 14 years.

Mr. Moschos stated that Mr. Campbell worked for the School Department as a custodian and is now a uniformed member of the Fire Department. His appointment to the Fire Department was as a new employee and he began at the minimum step. The longevity clause in the contract deals with the Fire Dept., not School, and depends on his service as a firefighter. If both positions were counted he would end up with 2 longevity pays. We don't think that is the intent of Art. 30 of the contract, and recommends that the Board of Selectmen deny the appeal.

Mr. Emerson asked how long Mr. Campbell has been on the Fire Dept. and he said 7 years, and he started at the bottom step.

Mr. Johnson asked if there is any past practice on this, and Chief Hughes said that benefits have always started when the firefighter is certified by Civil Service, and he felt it was not his decision to make, but labor counsel's. Atty. Moschos upheld his decision. Mr. Dalton said that they transferred Mr. Campbell's sick leave and vacation time from the School Dept. to the Fire Dept. and that others have transferred from one dept. to another within the Town and received longevity. Chief Hughes said that when David Campbell and Jim Durkin transferred they were not credited with longevity. Mr. Dalton said that several other Town employees, including the Supt. of Buildings and one or two clerks in the Town offices, were credited for longevity when they transferred from the School Dept. Mr. Emerson said he could see from one dept. to another if it is the same union, and Mr. Blomgren added that Mr. Campbell changed unions when he joined the Fire Dept. Mr. Moschos said that to understand the longevity clause you really need to read the language, that this is an issue that has not been raised previously, but he should not receive a double longevity payment. Mr. Emerson said he feels we should be consistent with past practices, and Mr. Dalton said the issue is really with the contract language.

Motion by Miss Towle, seconded by Mr. Ready, to take the appeal under advisement. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

At 6:50 pm Chief Hughes and the firemen left the meeting.

Mr. Blomgren told the Board that Ricky Dillon has not yet been told officially that he is being laid off as Highway Dept. foreman, but he has heard that there may be some kind of action by the Highway Union to express their dissatisfaction. Mr. Emerson asked if these aren't the same men who agreed to the contract, that one foreman would be laid off. Mr. Moschos stated that the foreman is not in the bargaining unit.
Mr. Blomgren asked if we are all set on the Cemetery contract, and Mr. Lynch reported that we have no signed contract yet, but they voted to accept it. Mr. Ready asked if there is a slot in the Highway union for Ricky Dillon and Mr. Lynch said we don't want to put him back, that we can't under the contract but that the men have taken this on as a cause. Mr. Lynch said that apparently some men would quit their jobs to keep Mr. Dillon on.

The Board then discussed the Fire Dept. grievance. Mr. Johnson asked if we are opening up a Pandora's box by granting transfers of vacation, sick time, longevity, etc. Mr. Moschos said if we give it to him, we would have to give it to David Campbell and Jim Durkin.
Motion by Miss Towle, seconded by Mr. Ready, to deny the grievance. Roll Call vote was as follows: Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. Mr. Ready abstained since he was not present at the start of the meeting.

Mr. Lynch told the Board that he and the Building Inspector have held interviews for the position of Wiring Inspector and are looking at two people.

At 7:00 p.m. motion by Miss Towle, seconded by Mr. Ready, to adjourn to Open Session. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the **Board of Selectmen** held Monday, **June 19, 1989** at 10:35 p.m. to discuss the purchase, lease or sale of real property. **Members present** were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary and Judith Carter, Administrative Assistant, were also present, as were Mike Papafagous and Tim Fitzpatrick, Lighthouse School.

Mr. Johnson said it doesn't look like Children's Discovery Center will meet their timetable to move out of the Center School, and that the Board has concerns about having both a lessee and a sub-lessee in the same building - we only intended to have one tenant.

Mr. Papafagous said that after they received the lease to the Center School they started renovating and they have built a good relationship with CDC. CDC needs an alternative resource and Lighthouse has a Labor Day deadline to vacate St. Vartanantz. They have talked about switching buildings until CDC's new building is completed, but have nothing in writing yet. CDC would vacate the Center School July 21, and Lighthouse is already 90% in the School. Lighthouse would start paying their full rent on August 1st. CDC can't afford the $12,000 a month rent that Lighthouse is presently paying and hope their cost might be shared by the builder. If not, they would sub-lease the Center School to Lighthouse and pay their penalties to the Town.

Mr. Blomgren said he wanted it stipulated that: 1. there can be no sub-lease unless they come to the Board; and 2. all agreements must be legal. Mr. Johnson asked Mr. Papafagous to have a letter in to the Board by July 1 outlining the terms and conditions of the agreement with CDC, so we can send it to Town Counsel for review. Mr. Papafagous agreed to do this.

At 10:50 p.m. motion by Miss Towle, seconded by Mr. Ready, to adjourn. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the **Board of Selectmen** held **Monday, July 10, 1989** at 8:55 p.m. to discuss collective bargaining. **Members present** were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary, and Judith Carter, Administrative Assistant, were also present.

Mr. Ready said he thought we should find out what the Highway Union would do for Ricky Dillon - would they let him back in the union and layoff the person with the least seniority. Mr. Lynch summarized the bargaining process. Mr. Ready said we should pursue this with the union - can management go back in. Mr. Emerson asked if we are avoiding the real issue - the type of Superintendent that Mike Crory is, and do we want him in that position. He said that the Highway Department personnel have been in turmoil ever since he arrived.
Mr. Lynch noted that there were numerous grievances filed when the previous superintendent Harold Gray first arrived. Mr. Crory gets more work done by the men and the projects are being done right.
Motion by Mr. Ready, seconded by Miss Towle, to ask Dee Moschos to word an amendment to the union contract that he can support that we sit down with the union and ask about reinstatement of a position in the bargaining unit without adding to the work force. Mr. Blomgren added that we should ask him also if this has ever been done before, and how would it effect our bargaining on the fire contract. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye.
Mr. Ready asked if there is a way under the Town Manager to put a freeze on any new hiring unless approved by the BOS.
Motion by Mr. Ready, seconded by Mr. Emerson, that the Board authorize Mr. Lynch to talk with the Sewer Commission to see if there might be any position for Ricky Dillon. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

Motion by Mr. Blomgren, seconded by Mr. Ready, to ask Town Counsel what power the Board of Selecctmen has over departments under the Charter. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

Mr. Lynch told the Board that Ricky Dillon has engaged an attorney, who wrote to Town Counsel, but the letter has been forwarded to Dee Moschos for him to handle.

On the matter of the Wiring Inspector, Mr. Lynch said he offered the job to Donald Ayres at $25,827 but he won't take it for less than $28,500, which would have to be approved by the Personnel Board. Motion by Mr. Ready, seconded by Miss Towle, to send Mr. Johnson to the Personnel Board to ask for $28,500 for Mr. Ayers. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye;

Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.
Mr. Lynch said he would recommend Dennis Cain, the Westford Wiring Inspector who has been helping out and would take the job for the starting salary.

Mr. Lynch then talked about condominiums and trash pick-up. The Town does not pay for condo pick-up, but in 1981 and again in 1984 the BOS voted to pick up in Chelmsford Village. Chelmsford Village now wants the Town to pay for Vining to pick up. He will check this with Town Counsel.

Mr. Lynch then brought the Board up to date on the Harold Kecy sand matter. We have a 10 year lease for $20,000 per year. Mr. Kecy now wants to move all the sand right now. He will hire equipment and move the sand for us in the next few weeks. Mr. Lynch said there are both pros and cons to doing this - it looks shady, and he will get house lots by doing it now. Mr. Johnson said to bring it up at the next Special Town Meeting. Mr. Ready suggested holding a Public Hearing on it. Motion by Mr. Emerson, seconded by Miss Towle, to hold a Public Hearing on July 31st and invite neighbors and abutters. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

At 9:50 pm motion by Miss Towle, seconded by Mr. Ready, to adjourn. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye

For the Board of Selectmen, by

Judith E. Carter

MINUTES OF BOARD OF SELECTMEN
EXECUTIVE SESSION
JULY 31, 1989

MEMBERS PRESENT: Mr. Johnson, Ms. Towle, Mr. Ready, Mr. Blomgren and Mr. Emerson. Bernard Lynch, Executive Secretary was also present.

9:40 P.M. - MOTION TO GO INTO EXECUTIVE SESSION: Ms. Towle made a motion to go into Executive Session for the purpose of discussing collective bargaining, 2nd Mr. Ready, unanimous. Roll-call vote: Ms. Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

Mrs. Barbara Ward, Chairman of the School Committee, was very concerned with the financial ramifications of the budget cuts because of the contracts with the School Department that have not been ratified as yet. Mr. Ready stated that Board of Selectmen also had concerns but in working with the Unions it is give and take. Mr. Ready stated that a raise is worked out but something is given back in return, i.e., overtime, holidays, etc.

School Committee member Samuel Poulten stated that it was his understanding that they had a guarantee from the BOS and Finance Committee that if the School Committee settled their bottomline figure before Town Meeting, free cash would used to fund contracts.

Mr. Emerson stated that everyone was present tonight to establish how much money to cut. Mrs. Ward felt that a town strategy was needed.

It was determined that the budget situation should be discussed in regular session.

9:45 P.M. - MOTION TO ADJOURN TO REGULAR SESSION - Mr. Blomgren made a motion to adjourn to regular session, 2nd Ms. Towle, unanimous. Roll-call vote: Ms. Towle-Aye; Mr. Ready-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

For the Board of Selectmen

Beth A. Kinney

Beth A. Kinney

MINUTES OF EXECUTIVE SESSION
OF THE BOARD OF SELECTMEN
JULY 31, 1989

MEMBERS PRESENT: Mr. Johnson, Ms. Towle, Mr. Ready, Mr. Blomgren and Mr. Emerson. Bernard Lynch, Executive Secretary was also present.

7:00 P.M. - MOTION TO GO INTO EXECUTIVE SESSION: Ms. Towle made a motion to go into Executive Session for the purpose of discussing grievances, 2nd Mr. Ready, unanimous. Roll-call vote: Ms. Towle-Aye; Mr. Ready-Aye; Mr. Blomgren-Aye; Mr. Emerson-Aye; Mr. Johnson-Aye.

Mr. Johnson asked everyone not involved in the grievance regarding overtime to leave the room.

OTHERS PRESENT: John Chinian, Labor Counsel; Frank Peterson, Cemetery Superintendent; Gerald Hardy, Cemetery Commissioner; Michael Gormley, Business Agent; Larry Ferreria, Union Steward; and Richard Jensen, Highway Employee.

Mr. Gormley presented Mr. Jensen's case. Mr. Gormley stated that Mr. Jensen felt he was entitled to 4 hours overtime on the basis that he accepted a work assignment at the Cemetery involving the sweeper when asked between 2:30 - 3:00 p.m. on May 25, 1989. At 3:30 p.m. that same day, he was advised by Forman Bobby Lloyd that the assigned was cancelled and postponed. Other Highway employees were unavailable and Mr. Jensen was chosen by the order of the overtime list. Mr. Gormley stated that there was no reason for the denial of the overtime but perhaps it was a personality conflict with Mr. Peterson and Mr. Jensen. Mr. Gormley stated that upon knowledge that Mr. Jensen would be sweeping, the job was cancelled.

Attorney Chinian felt that the grievance should have been directed to the Highway Department and it was untimely in being filed (11 days instead of 10). Atty. Chinian stated that Mr. Peterson had asked a week earlier for a sweeper in preparation of Memorial Day. Before anyone had been asked to work, Mr. Peterson had determined that the sweeper was not necessary. Mr. Lloyd had scheduled the sweeper on a long-standing request. Atty. Chinian stated that there was no discrimination involved, Mr. Peterson just did not need anyne to sweep. Mr. Jensen was not held over at his job, he was notified at the end of his shift. Atty. Chinian asked the BOS to deny this grievance.

Mr. Gormley stated that this was filed through the Cemetery because work is paid through the Cemetery Department. It is unusual but it does happen. Mr. Jensen was picked because he was next in line on the overtime rotation and qualified to do the job. He was rotated on the list but put back because he did not work. Mr. Peterson stated that there was no work to be performed. Mr. Ferreira stated that Mr. Peterson did not want Mr. Jensen. Mr. Peterson did admit that he did not want Mr. Jensen at the Cemetery Department during the working hours disrupting the employees. Mr. Jensen stated that he got into the sweeper at 3:30 and checked the machine but never left the yard. Mr. Gormley stated that Mr. Jensen accepted the job in good faith.

Ms. Towle made a motion to close the overtime grievance, 2nd Mr. Ready, unanimous.

DISINTERMENT GRIEVANCE

PRESENT: John Chinian, Labor Counsel; Frank Peterson, Cemetery Superintendent; Gerald Hardy, Cemetery Commissioner; Michael Gormley, Business Agent; Kenneth Fraser, Union Steward; Richard Nawoichik, Cemetery Employee.

Mr. Gormley stated that the $25.00 payment for disinterment in the agreement is clear and concise. Mr. Nawoichik has not been compensated. There has never been any discussion regarding restrictions that Mr. Peterson put into his answer to the grievance. This payment of $25.00 was negotiated 2 or 3 agreements ago at a flat fee. It was never discussed as to the handling of bodies; merely the act of the job. Mr. Gormley felt it is inappropriate to deny this grievance.

This was a discussion of the term "disinterment" - to dig up or remove as from a grave or tomb... The language was not clearly outlined in the agreement. Mr. Peterson stated that since 1985, no disinterment bonuses have been paid because no one has come into contact with remains. Mr. Peterson stated that the Cemetery Department is only moving the earth and uncovering the sealed vault. The Vault Company is present at the disinterment. Ms. Towle suggested that the language should be looked at and considered at the next negotiation session.

Mr. Nawoichik stated that he filed the grievance late because he did not know he was not going to be paid the bonus until payday. The disinterment bonuses are in the Cemetery Department budget.

Ms. Towle made a motion to close this grievance, 2nd Mr. Ready, unanimous.

Mr. Emerson made a motion to grant 2 hours overtime to Richard Jensen and give power of attorney to Mr. Lynch that if the Union did not bite on the 2 hours, then give 4 hours, without setting precedence, 2nd Ms. Towle, unanimous. Roll-call vote: Ms. Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

Ms. Towle made a motion to grant the grievance of Richard Nawoichik, 2nd Mr. Ready, unanimous. Roll-call vote: Ms. Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

Mr. Lynch defended the actions of Michael Crory, Supt. of Streets, because this was a Cemetery grievance and he told Mr. Crory not to attend.

7:45 P.M. - MOTION TO ADJOURN: Ms. Towle made a motion to adjourn to Regular Session, 2nd Mr. Ready, unanimous. Roll-call vote: Ms. Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

For the Board of Selectmen

Beth A. Kinney

Beth A. Kinney

Executive Session of the Board of Selectmen held Monday, August 21, 1989 at 6:30 p.m. Members present were: Mr. Johnson, Mr. Ready, Mr. Emerson and Mr. Blomgren. Miss Towle was absent due to illness. Bernard Lynch, Executive Secretary, and Judith Carter, Adm. Asst. were also present. The purpose of the session was two-fold: to discuss the sale, lease or purchase of real property, and to discuss collective bargaining.

The Board first met with members of the Executive Board of the Boy Scouts regarding the East School building. Donald Warburton, President, said that a decision had been made to raze the building and erect a new center. This would cost $825,000 plus razing and $100,000 for maintenance. He showed a drawing of the proposed building done by Nick Sarris, and they have been told that the East School is not worth rehabbing. The Boy Scouts are competing for 1990 capital funding from the United Fund with the Lowell YMCA. They have hired a professional to do a feasibility study. If they get the funding they could start January 1st. Mr. Johnson asked what is the alternative, and Nick Vacca said they have painted the building and have done a septic study. He said he has been telling the Board the same thing for the past 3 1/2 years, and that like the Town, they have to deal with the United Fund agency in the same way the Town has to deal with the State. He said they are frustrated and angry, and are not proud of the building they're in. Mr. Sarris said the United Fund has asked them to wait for one year, but the Board has voted to build the building anyway.
Mr. Johnson said is it fair to ask them for a yearly update, and Mr. Vacca said yes. He added that the Board had offered to help them, and it would be a help if a strongly worded letter of support for their project was sent to Johnathan Stevens, President of the United Fund. Motion by Mr. Ready, seconded by Mr. Emerson, to do so. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. At 6:45 p.m. Mr. Johnson thanked the Executive Board for coming in, and Mr. Vacca said they would like to come back when their project is officially started.

At 6:45 pm Attorney Jack Chinian, Fire Chief Robert Hughes, Union President William Dalton and Fire Fighter Michael Ridlon met with the Board to discuss two grievances submitted by the Fire Union. Mr. Ridlon said that on October 20, 1985 8 members of the Fire Dept. went into a burning building on Wotton Street to lift 1200 pounds of burning rags off his knee, and he has had trouble with the knee ever since then, was out 8 days last March and 3 days in July. Mr. Ridlon was paid for the 11 days but it was charged against his sick time and since he was out due to a job-related injury, he feels the Town should reimburse his sick-time account. Atty. Chinian read the grievance about the note being required, and read the Chief's answer denying the grievance. Mr. Ready asked Mr. Ridlon if he was paid for the 8 days, and he said yes,

but it was taken off his sick time. He came back to work on July 11 on an overtime shift, and because he had no note the Chief sent him home. Mr. Ridlon said he didn't know he needed a note before he returned to work. Mr. Dalton said that since it was a line of duty injury that the 11 days pertained to that and he wants the 11 days and the overtime shift credited to his sick leave bank. Chief Hughes said it has been a past practice that a doctor's note is needed after more than 3 days out, and that he did not realize that Mr. Ridlon's absence was on the job injury related. Mr. Dalton said that the note after 3 days was negotiated out of the contract several years ago.
Mr. Chinian said that there appear to be 2 issues here: the note, and can Mr. Ridlon perform his job as a firefighter.
Mr. Johnson said that the doctor's note should state that this absence was related to the job injury in 1985. Under Chapter 41, Section 111F, police and fire personnel are covered for work related injuries.
Motion by Mr. Ready, seconded by Mr. Emerson, to take the grievance under advisement. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

Mr. Dalton then presented the second grievance. He said that the Chief called them to his office, yelled at Mr. Ridlon for his note, which he had, and asked why he didn't give it to the officer on duty when he first reported that morning. He claims the Chief swore at Mr. Ridlon for screwing up on the job, and when Mr. Ridlon asked how he was screwing up, the Chief wouldn't answer. The Chief then told them to leave his office and f** the contract. They thought he was totally unprofessional and violated Article 1 of the contract. Mr. Dalton said they weren't aware that the note should have been given to the duty officer. He added that he feels the Chief has total disregard for the bargaining unit, and that they want to be treated with respect and are asking for their individual rights. Mr. Chinian noted that Mr. Dalton was invited to the meeting with the Chief and Mr. Ridlon as a courtesey, and that this is a labor/management dispute. Mr. Dalton said he was acting as Union President.
At 7:15 p.m. Mr. Dalton and Mr. Ridlon left the meeeting.

Mr. Johnson asked the Chief if as accused in grievance #2, was he out of line with his language. The Chief answered that sometimes it gets to the point that you can only take so much, and he did tell Mr. Dalton to shut up and mind his own business.
Motion by Mr. Ready, seconded by Mr. Emerson, to send a letter to the Union stating that we have discussed the matter of harmonious relations within the Fire Dept. and more cooperation with the Chief. Roll Call vote was as follows: Mr. Ready- Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

Motion by Mr. Emerson, seconded by Mr. to **deny the 2nd grievance** and place the matter on file. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.
Motion by Mr. Ready, seconded by Mr. Emerson, to **deny the 1st grievance.** Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.
At 7:20 pm Motion by Mr. Ready, seconded by Mr. Emerson, to go out of Executive Session. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, August 21, 1989 at 9:10 pm to discuss collective bargaining. Members present were: Mr. Ready, Mr. Emerson, Mr. Blomgren and Mr. Johnson. Miss Towle was absent due to illness. Bernard Lynch, Ex. Sec. and Judith Carter, Adm. Asst. were also present, as were Highway Union Business Agent Michael Gormley, Union Steward Lawrence Ferreira, Supt. of Streets Michael Crory and Highway Department Employee Dennis Greenwood.
Mr. Johnson said the purpose of the meeting is to try to come to a meeting of the minds. Mr. Gormley said he felt this was very short notice, but Mr. Ferreira said the office had called him last Tuesday and he had called Mr. Gormley immediately. Mr. Greenwood said he had asked for all the Highway Dept. employees to be present.

Mr. Johnson said we will discuss this subject on September 11th if they would prefer, and asked how many Highway workers might attend. Mr. Gormley said that we have discussed this meeting for many months, and would like to continue tonight.

Mr. Gormley said that they have clearly over the last several months tried to indicate to the Board that they are unhappy. At the end of negotiations they thought they had job protection - that it was a misconecption of the Union's knowledge that Ricky Dillon's position would be eliminated. That fact only came out after Cemetery negotiations. We thought the savings would come from eliminating outside contractors, not a supervisory position, which came out at Annual Town Meeting. The perception given to the press is that the Union cost Ricky Dillon his job. During

negotiations we discussed fixing up the old equipment, not selling it. He added that they have chosen not to respond, but are tired of seeing bad press. He is concerned with operational problems.

Mr. Blomgren said that we have certain managerial rights, and Mr. Lynch said that the union told us to find where to cut $65,000 - either salaries or expenses. Mr. Gormley claimed they only talked about sub-contractors, not supervisory cuts. Mr. Emerson said he doesn't recall discussing it with the press, but when he came back on the Board he had it in his mind that the cut of a foreman went together with collective bargaining. When the position of third foreman was created there was great dissatisfaction, and when he came back on the Board he wanted to cut the third foreman position. Dennis Greenwood said he was one who agreed with him, and asked why the Board couldn't put Ricky back into the work force and let some contractors go. Mr. Gormley said that no mechanism has been discussed or worked out with them - that you lose your seniority after a year out of the Union. He might be able to go back as the junior man in the department but keep his seniority and benefits with the Town. Mr. Crory said he thought we would keep the 3 foremen. Mr. Johnson said that maybe Larry, Mike and Bernie could sit down and discuss other jobs and try to prove it's more cost effective for the department to do the work.

At 10:15 Mr. Gormley and the other 2 men left the meeting. Mr. Crory stayed.

Mr. Blomgren then showed slides regarding the sale of equipment. Mr. Blomgren moved, seconded by Mr. Ready, to have Mr. Lynch evaluate the recommmendations and discuss them with all Town-managed department heads, and discuss the specific recommendations for the Highway Department. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

Mr. Lynch told the Board that Dennis Kane has decided not to take the Wiring Inspector's job and it will be re-advertised.

He told them that the Lighthouse School has presented us with a package of structural problems They have already spent $341,000 and the structural items will cost $48,000. They want to forego a couple of months rent to pay for these items, and Mr. Emerson said it is our responsibility and we should amortize it.

At 11:40 p.m. motion by Mr. Ready, seconded by Mr. Emerson, to adjourn. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson- Aye.

For the Board of Selectmen, by

Judith E. Carter

Executive Session of the Board of Selectmen held Monday, September 11, 1989 at 6:40 pm. Members present were: Mr. Johnson, Miss Towle, Mr. Emerson and Mr. Blomgren. Mr. Ready joined the meeting at 6:55 pm. Bernard Lynch, Executive Secretary and Judith Carter, Adm. Asst. were also present. Labor Counsel D. M. Moschos, Fire Chief Hughes and Fire Fighters William Dalton and Michael Ridlon were present.

Atty. Moschos said that the Board will be discussing two grievances filed by the Union: 1. the uniform grievance regarding the pony tail and earring; and 2. the sick note required by the Chief.

Mr. Ridlon said that regarding the sick note, he had called in sick because of a job-related injury, which apparently the Chief didn't realize. His grievance is that since the injury was job-related he didn't feel a sick note was required as the injury was already documented. Atty. Moschos referenced a memo from the Chief to the Captains stating that the department may require a sick note after a 3 day absence. The Union is claiming that the Chief is violating the contract, but the Town says that the Chief can set the requirement and is not violating the contract. Mr. Dalton referenced Art. 28 of the contract, saying that if the Chief suspects the abuse of sick leave, he may require a note in order for the employee to receive sick pay. He claimed that this was negotiated out of the contract years ago. Mr. Moschos referred to Article 7, stating that unless the contract says No, the Chief can make requirements. Chief Hughes said he has discussed this with the Occupational Health Nurse and if the department requires a note saying that a fireman is fit for work, then the Town should pay for the doctor's visit. Mr. Johnson said that the Chief felt there was abuse going on when so many men were out sick. Motion by Miss Towle, seconded by Mr. Emerson to take under advisement. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

The second grievance, the matter of the uniform, was then discussed. Mr. Ridlon said that one morning after a fire he felt quite disheveled and pulled his hair back with a rubber band. He did the same thing several times after this, and felt his pony tail was no longer than his hair would be normally. The Chief then said it was unprofessional and ordered him to take it out. On a few occasions Mr. Ridlon said he has worn a stud earring in one ear, and then the Chief put out the order stating that earrings and pony tails would not be acceptable when a fireman is in uniform. Mr. Ridlon feels his individual rights have been violated. Mr. Moschos stated that this is a semi-military department, in uniform, and this is not a civil rights issue but just a good order within the department, and Mr. Ridlon's appearance compromises his uniform. The Chief said he didn't actually issue an order - just told the captains. The Police Department and other communities' Fire Departments have personal appearance rules and regulations. Mr. Dalton said we have no policy at this

time and Mr. Blomgren asked him if the Union would work with the Chief in establishing a dress code. Mr. Ridlon said he follows the dress code presently in place in the dept. Mr. Blomgren noted that with no formal rules, the Chief can do what he feels necessary. Mr. Moschos said there are 2 questions - safety and appearance. They can do what they want on their own time, but it is not proper for a firefighter in Chelmsford to wear a pony tail and earring, that it never has been done before. The Chief said that rings in ears and noses generate heat and that is why he issued the memo to the officers. Motion by Mr. Blomgren, seconded by Mr. Ready, to take under advisement. Roll Call vote was as follows: Miss Towle-Nay, to vote tonight; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Nay, to vote tonight. Vote was 3 in favor to take under advisement, 2 opposed.

The firefighters then left the room.

Mr. Moschos said the Town should deny the grievance. This is a matter of safety issues and uniform appearance, and the Chief has the right to deny. Mr. Blomgren asked the Chief to write some rules, but the Board said they don't want him to do it right now. Mr. Johnson asked the Chief to come back in 60 days and report on how things are going.

On the first grievance heard, the sick note, motion by Mr. Ready, seconded by Mr. Emerson, to deny the grievance but have the Town pay for the doctor's visit to obtain the note. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. Miss Towle was out of the room when the vote was taken.

Police Union President Russell Linstad and Patrolman Paul Richardson were present to **grieve a 4-day suspension** given to Officer Richardson by the Chief. Mr. Linstad told the Board that while driving a cruiser Officer Richardson violated an order by not driving on a hard surface (old railroad bed) and not reporting an accident to his sergeant. They feel that a 4-day suspension is too long for these actions.
Atty. Moschos said that the officer cut through the roadbed area to avoid the traffic and couldn't maneuver a 9-foot passageway, damaging a fence and his cruiser. He feels that the damage caused was not necessary and that it was not necessary for him to leave the roadway. Officer Richardson said he doesn't deny using bad judgment, that he has gone through there in the past and thought he was by the fence when he turned but misjudged it. One of his tires was going flat so he returned to the station and reported the accident to Captain Mack. He said he was on a hard surface (Order 83-5), and the order does not state that the officer must remain at the scene of the accident until a sergeant arrives. He has had two minor accidents prior to this one. Officer Richardson read the definition of "negligent operation",

which says he must be driving to endanger the lives or safety of the public. Mr. Johnson asked if they could reach a compromise on this grievance and at 7:45 pm Atty. Moschos, the Chief, Union reps and Patrolman Richardson left the room to try to reach a compromise.

The Board briefly discussed the Town Manager benefits package -a negotiated 3-week vacation and offer $62,500 per annum plus merit increases.

Police reps then returned to the room and Atty. Moschos said they can't work out a compromise. Motion by Miss Towle, seconded by Mr. Ready, to take the grievance under advisement. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

The **Police Union's second grievance** had to do with patrol officers doing prisoner checks, which is not a patrol function. Officer Linstad said that this is the Captain's function and patrol officers should not be called in off the road to perform this duty. Officer Adams said that the rules and regulations state that the Captain is responsible for prisoners - and the union gave in to civilian dispatchers so there could be more men on the street and they are now pulling them in off the road to watch prisoners.
Atty. Moschos said he has two statements: 1. assignments by the Chief, Deputies and Captains cannot be grieved; and 2. the Captain makes the judgment as to who is to check the prisoners. He feels the Town should deny the grievance. Motion by MIss Towle, seconded by Mr. Ready, to take the grievance under advisement. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

Members of the Police Dept. then left the room.

On the matter of the first grievance, Atty. Moschos said he offered to change the suspension to a 1-day suspension, but they don't want any more suspensions and offered to take a 16 hour punishment tour. The Chief will go along with the 1-day suspension. Motion by Mr. Emerson, seconded by Miss Towle for discussion, to change Mr. Richardson's suspension from 4 days to 2. Roll Call Vote was as follows: Miss Towle-Aye; Mr. Ready-Nay; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. Vote passed on a 4 - 1 vote.

Motion by Miss Towle, seconded by Mr. Ready, to deny the second grievance re watching prisoners. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

At 8:10 pm motion by Miss Towle, seconded by Mr. Ready, to adjourn to start the regular meeting. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

For the Board of Selectmen, by

Judith E. Carter